

TRANSFEREES' EXHIBIT 18

Request For Waiver

The Tribune Employee Stock Ownership Plan as implemented through the Tribune Employee Stock Ownership Trust, EGI-TRB, L.L.C., and Sam Zell (collectively the “Transferees”), proposed transferees of WGN Continental Broadcasting Company, licensee of television station WGN-TV, Chicago, Illinois and radio station WGN(AM), Chicago, Illinois, hereby request a temporary waiver of Section 73.3555(d), the newspaper-broadcast cross-ownership rule (the “Rule”), pending completion of the ongoing Commission rulemaking addressing the Rule.¹ Transferees request this temporary waiver of the Rule to permit the common ownership of WGN-TV, WGN(AM) and the *Chicago Tribune*, a daily newspaper in Chicago. The Commission eliminated the Rule in 2003, and the United States Court of Appeals for the Third Circuit upheld that elimination in 2004. Three years later, in one of the largest and most competitive media markets in the world, Tribune Company (“Tribune”) must be permitted to maintain its ability to broadcast and publish news in Chicago pending completion of the FCC’s extended proceedings to establish relaxed cross-ownership limits.

Tribune has been a fixture in the Chicagoland community since at least 1847, when it began publishing the *Chicago Tribune* (then known as the *Chicago Daily Tribune*). Tribune has been a broadcasting pioneer since 1924, when WGN(AM) signed on the air, and it

¹ The Rule, adopted in 1975, provides that “[n]o license for [a] . . . TV broadcast station shall be granted to any party . . . if such party directly or indirectly owns, operates or controls a daily newspaper and the grant of such license will result in: [t]he Grade A contour of a TV station . . . encompassing the entire community in which such newspaper is published.” 47 C.F.R. § 73.3555(d)(3)(2002). In its *Further Notice of Proposed Rulemaking*, 21 FCC Rcd. 8834 (2006) (“*FNPRM*”), see *infra* n.9, the Commission is reviewing the cross-media limits that were adopted when the Rule was repealed in 2003.

entered the television market in Chicago in 1948 with WGN-TV.² Together, these locally-owned and operated entities are institutions in Chicago, regularly associated with providing news and public service to the local community. The Chicago DMA in which they operate is the third largest in the United States, and one of the most diverse and competitive media markets in the country. Moreover, the abundant sources from which the public can obtain local news and information in the DMA have multiplied exponentially since Tribune began operating in that market, and have increased in similar fashion since the Commission grandfathered Tribune's ownership in Chicago when it adopted the Rule. Common ownership of WGN-TV, WGN(AM) and the *Chicago Tribune* over the last 60 years has caused no significant diminution to diversity in the nation's third largest television market, and has resulted in journalistic synergies that contribute to the public interest. Under any applicable standard, the Transferees are entitled to a temporary waiver of the Rule until the Commission completes its review of the Rule, and that action becomes a final order no longer subject to judicial review.

I. Introduction and Summary

WGN Continental Broadcasting Company is a wholly-owned subsidiary of Tribune Broadcasting Company, which in turn is a wholly-owned subsidiary of Tribune. Tribune's common ownership of WGN-TV, WGN(AM), and the *Chicago Tribune* has been permitted for the last 32 years under the Commission's policy to grandfather cross-ownership combinations when it adopted the Rule,³ as well as another 28 years before the Commission

² Tribune further expanded its ability to cover the local Chicagoland community in 1993, with ChicagoLand Television (CLTV), a 24-hour regional news, weather, sports and information channel. CLTV reaches over 1.8 million cable households.

³ See *Amendment of Sections 73.34, 73.240, and 73.636 of the Commission's Rules Relating to Multiple Ownership of Standard, FM, and Television Broadcast Stations*, Second Report and Order, 50 F.C.C.2d

even adopted the Rule. In the instant transfer of control application, Tribune requests a temporary waiver of the Rule pending final action on the Commission's *FNPRM*.

The Commission eliminated the Rule in 2003, and as the Third Circuit emphatically stated, the "Commission's decision not to retain a ban on newspaper/broadcast cross-ownership is justified under § 202(h) and is supported by record evidence."⁴ The Third Circuit also held that reasoned analysis supported the Commission's conclusion that the blanket cross-ownership ban was "no longer in the public interest" because newspaper-broadcast combinations actually "can promote localism."⁵ The Commission, affirmed by the court, found that the blanket prohibition "is not necessary to protect diversity," especially in the nation's largest markets.⁶ Based on the very standard pronounced by the Commission in its initial biennial review, Tribune is entitled to the requested temporary waiver as the Commission endeavors to fulfill its decade-long commitment to revise the Rule to be consistent with today's marketplace.⁷

The Chicago DMA is the third largest in the nation, with a television and media marketplace that is as diverse and competitive as virtually any in the country. The DMA includes almost three-and-a-half million television households, and is served by more than one hundred independent broadcasters and newspaper publishers:

1046 (1975) ("1975 Order"), *aff'd sub nom. FCC v. National Citizens Committee for Broadcasting*, 436 U.S. 775 (1978) ("FCC v. NCCB").

⁴ *Prometheus Radio Project v. FCC*, 373 F.3d 372, 398 (3d Cir. 2004), *cert. denied*, 125 S. Ct. 2902-03 (2005) ("Prometheus").

⁵ *Id.*

⁶ *Id.* at 398-99.

⁷ *See infra* at 6.

- * 16 commercial and non-commercial full-service television stations broadcast in the DMA, with 14 of these television stations separately and independently owned. Tribune is the fifth-ranked operator of television stations in terms of reach.
- * Approximately 84% of the television households in the DMA receive service from cable television systems, direct broadcast satellite operators or other providers of multichannel video programming service.
- * At least 23 daily newspapers are published and circulated in the Chicago DMA by at least 13 independent publishers, in addition to 191 weekly newspapers serving the market.
- * In the Chicago DMA, there are 167 radio stations owned by 87 separate and distinct owners. Even if the count is limited to the FCC's newly-defined radio market, there are 134 radio stations with 72 separate owners in the Chicago radio market that provide news, information, talk and entertainment programming.
- * Finally, broadband access to the Internet provides news and information at the touch of a consumer's fingertips. In Chicago, Google, Yahoo and MSNBC provide by far the highest-accessed local news and information services through local portals containing unique locally-originated content and by serving as aggregators that provide and structure access to hundreds of local websites and weblogs ("blogs") originating from and focusing on Chicago and its surrounding area.

Further, economic analysis confirms that the broadcast and newspaper markets in Chicago remain competitive notwithstanding Tribune's common ownership.⁸ An assessment of concentration in the Chicago market using the Herfindahl-Hirschman Index ("HHI") relating only to traditional media (newspapers, broadcast television and radio) reveals a market that is significantly less concentrated than the national average for all media markets. Indeed, the HHI for the Chicago market is 1302, almost 200 points less than the national average. Moreover, that level of concentration has declined since 2000, demonstrating increased competition in Chicago

⁸ See generally, Mark R. Fratrik, Ph. D., BIA Financial Network, *Report on Chicago, IL Media Advertising Markets: Traditional Media Revenue Share and Concentration Analysis in Support of the Request for Waiver of Stations WGN-TV and WGN(AM)* (May 1, 2007) ("BIA Report") (attached hereto as Attachment 1).

during the most recent years of Tribune's common ownership. Most importantly, the Commission has recognized that Tribune's traditional media in Chicago (a newspaper, a television station, and a radio station) do not compete against each other for advertising, and a review of these separate media markets indicates strong competition in Chicago. The *Chicago Tribune* has a long tradition of competition with the *Chicago Sun-Times* in the city, and the *Arlington Heights/Daily Herald* and other suburban newspapers outside the city also garner significant readership. WGN-TV must compete with four major network-owned television stations, two of which have duopolies in the market. And standalone radio station WGN(AM) competes with radio stations owned by at least 72 different operators in the Chicago radio market. Of course, the concentration of the Chicago media market is much lower than is reflected by this HHI, because this analysis does not account for advertising revenue that flows to non-traditional media, including local cable systems and Internet websites.

The combination of WGN-TV, WGN(AM) and the *Chicago Tribune* has not measurably or adversely affected diversity or competition. Rather, the combination of broadcast stations WGN-TV and WGN(AM) with the *Chicago Tribune* has benefited consumers, as the Commission has recognized, by making possible the presentation of more and higher quality news and public affairs programs. During the period of common ownership, WGN-TV has increased its news coverage exponentially, most recently increasing from 27 hours per week of regularly-scheduled local news programming in 2001 to 31.5 hours in 2006. Both WGN-TV and WGN(AM) have enhanced their news coverage and other public affairs programming, public service announcements, and community service projects. In addition, Tribune has been able to expand the reach of its news and public affairs programming by re-airing two of WGN-TV's

regularly-scheduled news programs on CLTV. Tribune is entitled to a temporary waiver of the Rule under any conceivable scenario given the incredible diversity and competitiveness of the market in which WGN-TV and WGN(AM) operate, and the benefits Chicago receives from these landmark institutions.

Given the procedural posture of the Rule and the substantial delay in replacing it, Tribune is entitled to a temporary waiver of the Rule pending the final outcome of the Commission's decision on remand from the Third Circuit in the *FNPRM*.⁹ As the Commission indicated in its first biennial review nine years ago, temporary waivers pending the completion of rulemaking proceedings are warranted where (1) the rulemaking proceedings are of protracted length, (2) a substantial record exists on which to base a preliminary inclination to relax or eliminate a rule, (3) the Commission can conclude that the application before it falls within the scope of the proposals in the proceeding, and (4) a grant of a temporary waiver would be consistent with the goals of competition and diversity.¹⁰ Four years ago, the Commission found that enforcement of the Rule as it was adopted in 1975 no longer serves the public interest, a finding that has been upheld by the United States Court of Appeals for the Third Circuit.¹¹ The Commission recognized that newspaper-broadcast combinations, especially in the largest

⁹ See 2006 Quadrennial Regulatory Review -- Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996; 2002 Biennial Regulatory Review -- Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996; Cross-Ownership of Broadcast Stations and Newspapers; Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets; Definition of Radio Markets, Further Notice of Proposed Rulemaking, 21 FCC Rcd. 8834 (2006) ("FNPRM").

¹⁰ See *supra* at 13.

¹¹ See 2002 Biennial Regulatory Review - Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, 18 FCC Rcd. 13620, 13760 (2003) ("2003 Order"), *aff'd in part, remanded in part, Prometheus Radio Project v. FCC*, 373 F.3d 372, 398-400 (3d Cir. 2004), *cert. denied*, 125 S. Ct. 2902-03 (2005).

markets, do not adversely affect competition but promote the public interest by delivering more and better local coverage of news and public affairs without seriously affecting diversity of viewpoint or programming. The Commission eliminated the Rule and established new “cross-media limits,” under which Tribune would be permitted to own WGN-TV, WGN(AM) and the *Chicago Tribune*. The Commission either will reaffirm the limits adopted in 2003 or establish revised limits. In such circumstances, Tribune is entitled to a temporary waiver pending completion of proceedings on the *FNPRM*, and any application of the Rule to compel either WGN-TV, WGN(AM) or the *Chicago Tribune* to be sold or shut down would disserve the public interest, would be arbitrary and capricious, and would be unconstitutional under the First and Fifth Amendments.

II. Tribune is Entitled to a Temporary Waiver of the Rule.

The history of the Rule, from 1975 to the present, supports Tribune’s request for a temporary waiver pending completion of the Commission’s remand proceedings to revise the Rule as compelled by the Third Circuit’s clear mandate that “the Commission’s decision not to retain a ban on newspaper/broadcast cross-ownership is justified under § 202(h) and is supported by record evidence.”

A. Background of the Rule.

1. Adoption of the Rule and Application of its Waiver Policy.

In 1975, the Commission adopted the Rule prohibiting ownership of a daily newspaper and a broadcast station serving the same community, seeking both to enhance diversity and foster competition.¹² In adopting the Rule, the Commission contemplated

¹² See 1975 Order, 50 F.C.C.2d at 1070-74.

processing a “number of waiver requests” and set forth a general policy to govern these requests.¹³ In doing so, the Commission first enumerated three examples involving financial hardship or distress: (1) an inability to sell a station; (2) a potential sale, but only at an artificially depressed price; or (3) where separate ownership and operation of the newspaper and station could not be supported in the locality.¹⁴ The Commission also established a fourth and independent basis for waiver: if it can be shown “*for whatever reason* that the purposes of the rule would be disserved by divestiture, if the rule, in other words, would be better served by continuation of the current ownership pattern, then waiver would be warranted.”¹⁵ Of course, in adopting the Rule, the Commission concluded that where there were multiple television stations licensed to a community, cross-ownership would be grandfathered, because the harm from divestiture outweighed the benefit of separate ownership.¹⁶ Tribune’s cross-ownership in Chicago has been grandfathered for more than 30 years.

¹³ See *id.* at 1085. In affirming the reasonableness and constitutionality of the Rule in 1978, the Supreme Court relied upon the Commission’s adoption of its waiver policy. See *FCC v. NCCB*, 436 U.S. at 802 n.20.

¹⁴ 1975 Order, 50 F.C.C.2d at 1085. In discussing these cases of financial hardship or distress, the Commission noted that in “any of these instances we contemplate waivers of reasonable duration, so that we shall not always be bound by a result based on outdated information.” *Id.*

¹⁵ *Id.* (emphasis added). The Commission has subsequently encapsulated its waiver policy as counseling in favor of waivers “if: (1) a combination could not sell a station; (2) a combination could not sell a station except at an artificially depressed price; (3) separate ownership and operation of a newspaper and a station could not be supported in a locality; or (4) for whatever reason, the purposes of the rule would be disserved.” *Cross-Ownership of Broadcast Stations and Newspapers; Newspaper/Radio Cross-Ownership Waiver Policy*, 16 FCC Rcd. 17283, 17284-85 (2001) (“*Newspaper-Broadcast NPRM*”). Despite its recognition that its waiver policy applied to combinations proposed or created after adoption of the Rule, during the next 30 years, the Commission granted only two permanent waivers involving newspaper and television station combinations, each of which involved significant elements of financial distress. See *Field Communications Corp.*, 65 F.C.C.2d 959 (1977) (“*Field*”); *Fox Television Stations Inc.*, 8 FCC Rcd. 5341 (1993), *aff’d sub nom. Metropolitan Council of NAACP Branches v. FCC*, 46 F.3d 1154 (D.C. Cir. 1995) (“*Fox Stations*”).

¹⁶ 1975 Order, 50 F.C.C.2d at 1086-1089.

2. *Two Decades Later, One Decade Ago – Proposed Revision of the Rule.*

Two decades after the adoption of the Rule, and in recognition of the significant changes to the media landscape over that period, the Commission more than 10 years ago began calling for a change in the Rule. In 1996, in explaining its grant to Capital Cities of a temporary waiver (in lieu of the requested permanent waiver) of the Rule, the Commission said that it would “proceed expeditiously with an open proceeding to consider revising [its] newspaper broadcast cross-ownership policies.”¹⁷ Chairman Reed E. Hundt separately observed that the Rule “is right now impairing the future prospects of an important source of education and information: the newspaper industry,” and stated his belief that the Commission should be able to complete the rulemaking within one year — before the expiration of the waiver granted to Capital Cities.¹⁸

The very next year (in 1997), Tribune proposed to acquire six stations owned by Renaissance Communications Corp. The FCC eventually granted Tribune a temporary waiver of the Rule pending the outcome of the promised rulemaking to permit the cross-ownership of a Miami television station acquired in the transaction and a Fort Lauderdale-based daily newspaper already owned by Tribune.¹⁹ In their decisions, both the FCC and the United States Court of

¹⁷ *Capital Cities/ABC, Inc.*, 11 FCC Rcd. 5841, 5851 (1996) (“*Capital Cities*”).

¹⁸ *Id.* at 5906 (Separate Statement of Chairman Reed E. Hundt). The Commission did not complete the promised proceeding within the year, and Capital Cities was then granted a temporary waiver pending the outcome of the promised rulemaking proceeding.

¹⁹ *Renaissance Communications Corp.*, 13 FCC Rcd. 4717 (MMB 1998). The FCC initially granted Tribune a finite period to come into compliance with the Rule, but after review of the D.C. Circuit’s opinion, extended the waiver until the completion of the rulemaking.

Appeals for the District of Columbia Circuit recognized the need for modification of the Rule, but held that the promised rulemaking was the appropriate venue.²⁰

As required by the Telecommunications Act of 1996,²¹ the Commission in 1998 undertook its first Biennial Review, which it completed in the form of the *1998 Biennial Regulatory Review*.²² There, consistent with the statements of all of the Commissioners in *Capital Cities* and *Renaissance*, the Commission again concluded that the Rule needed to be modified, and promised to initiate a rulemaking proceeding to amend the Rule.²³ The Commission failed to initiate such a rulemaking, but did launch its 2000 Biennial Review, the report for which was issued in 2001.²⁴ The Commission once more committed to issuing a notice of proposed rulemaking.²⁵

3. *Five Years Later, Five Years Ago – An NPRM.*

More than five years ago, in September 2001, the Commission issued its Notice of Proposed Rulemaking regarding the modification or elimination of the Rule.²⁶ Approximately

²⁰ *Renaissance Communications Corp.*, 12 FCC Rcd. 11866 (1997), *aff'd sub nom., Tribune Co. v. FCC*, 133 F.3d 61 (D.C. Cir. 1998) (“*Renaissance*”). The Newspaper Association of America (“NAA”), of which Tribune is a member, formally filed a Petition for Rulemaking on April 28, 1997.

²¹ See Telecommunications Act of 1996, P.L. 104-104, § 202(h); see also 47 U.S.C. § 161. Section 202(h) requires the Commission to determine whether a rule is “necessary in the public interest as the result of competition” and to “repeal or modify any regulation it determines to be no longer in the public interest.”

²² *1998 Biennial Regulatory Review*, 15 FCC Rcd. 11058 (2000).

²³ *Id.* at 11109 (“we recognize that there may be situations in which the rule may not be necessary to protect the public interest in diversity and competition”). As part of the biennial review, the Commission specifically recognized that it had granted Tribune a temporary waiver for its Miami television station pending completion of the proposed rulemaking, and extended that temporary waiver pending the resolution of the rulemaking it was proposing to initiate. *Id.* at 11110-11111.

²⁴ *2000 Biennial Regulatory Review*, 16 FCC Rcd. 1207 (2001).

²⁵ *Id.* at 1218.

²⁶ *Newspaper-Broadcast NPRM*, 16 FCC Rcd. at 17283.

one year after taking a full set of public comments on the proposed modification of the Rule, the Commission in 2002 consolidated the *Newspaper-Broadcast NPRM* into an omnibus multiple ownership proceeding tied to the 2002 Biennial Review and its review of several cases remanded to it from the D.C. Circuit, and relaunched the inquiry (the “Omnibus Proceeding”).²⁷ The Commission took a further round of public comment, commissioned market studies, and held field hearings regarding the revision of the Rule and other issues of common media ownership. After a year of comprehensive study, the Commission completed its Omnibus Proceeding and in June 2003 released the *2003 Order* that revised many of the FCC’s ownership rules (including the Rule).²⁸

4. *Four Years Ago – The Order Repealing And Relaxing The Rule.*

In the *2003 Order*, the Commission once more found that the Rule was no longer justifiable under the standard set forth in Section 202(h) of the Telecommunications Act of 1996, as amended.²⁹ The Commission concluded that “television stations that are co-owned with daily newspapers tend to produce more, and arguably better, local news and public affairs programming than stations that have no newspaper affiliation.”³⁰ The Commission further concluded that the public interest in localism and local programming supported the repeal of the

²⁷ *2002 Biennial Regulatory Review - Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, Cross-Ownership of Broadcast Stations and Newspapers, Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets*, Notice of Proposed Rulemaking, 17 FCC Rcd. 18503 (2002).

²⁸ *2003 Order*, 18 FCC Rcd. at 13760.

²⁹ *See supra* at 6 n.11.

³⁰ *See 2003 Order*, 18 FCC Rcd. at 13802. The Commission concluded that “in light of the overwhelming evidence that combinations can promote the public interest by producing more and better overall local news coverage... the current rule is not necessary to promote our localism goal, and that it, in fact, is likely to hinder its attainment.” *Id.* at 13759.

Rule because the “evidence suggests that the rule actually works to inhibit such programming.”³¹ Regarding viewpoint diversity, the Commission concluded that “the synergies and efficiencies that can be achieved by commonly located newspaper/broadcast combinations can and do lead to the production of more and qualitatively better news programming and the presentation of diverse viewpoints, as measured by third-parties.”³² The Commission also found that “relaxing the cross-ownership rule could lead to an increase in the number of newspapers in some markets and foster the development of important new sources of local news and information.”³³ Accordingly, the Commission replaced Section 73.3555 with a new set of cross-media limits, under which Tribune was entitled to retain its common ownership of WGN-TV, WGN(AM), and the *Chicago Tribune*.

5. *Three Years Ago – Remand of The Order Relaxing The Rule*

The United States Court of Appeals for the Third Circuit remanded the 2003 *Order* after it was challenged on appeal by a number of parties. The Court, however, affirmed the Commission’s decision to repeal the Rule and its blanket ban on newspaper-broadcast cross-ownership.³⁴ As the Third Circuit emphatically stated, “[t]he Commission’s decision not to retain a ban on newspaper/broadcast cross-ownership is justified under § 202(h) and is supported

³¹ *Id.* at 13753.

³² *Id.* at 13761. The FCC’s conclusions were supported by independent studies requested by the Commission. See David Pritchard, *Viewpoint Diversity in Cross-Owned Newspaper and Television Stations: A Study of News Coverage of the 2000 Presidential Campaign* (FCC Media Ownership Working Group Report #2), September 2000; Thomas C. Spavins, et al, *The Measurement of Local Television News and Public Affairs Programs* (FCC Media Ownership Working Group Report #7); September 2002; Scott Roberts, et al, *A Comparison of Media Outlets and Owners for Ten Selected Markets* (1960, 1980, 2000) (FCC Media Ownership Working Group Report #1), September 2002.

³³ 2003 *Order*, 18 FCC Rcd. at 13760-61.

³⁴ *Prometheus*, 373 F.3d at 398.

by record evidence.”³⁵ Concluding that “reasoned analysis supports the Commission’s determination that the blanket ban on newspaper/broadcast cross-ownership was no longer in the public interest,” the Court blessed the Commission’s decision to modify the newspaper/broadcast cross-ownership prohibition.³⁶ In doing so, the Court supported the Commission’s goal of increased localism by recognizing that “[n]ewspaper/broadcast combinations can promote localism” and that the existing ban actually “undermined” this important goal.³⁷ In addition, the Court agreed with the Commission that “[a] blanket prohibition on newspaper/broadcast combinations is not necessary to protect diversity.”³⁸ The Court found that “the Commission reasonably concluded that it did not have enough confidence in the proposition that commonly owned outlets have a uniform bias to warrant sustaining the cross-ownership ban.”³⁹ The Court thus upheld the Commission’s finding that retaining the ban was no longer in the public interest, and rejected challenges to the Commission’s conclusions that cross-ownership can increase the quantity and quality of local news programming and that commonly-owned media outlets frequently present diverse viewpoints.⁴⁰

The Third Circuit remanded the FCC’s *2003 Order* in June 2004; the Commission did not take any further official action until two years later. On June 21, 2006, the Commission

³⁵ *Prometheus*, 373 F.3d at 398.

³⁶ *Id.*

³⁷ *Id.* at 398-99.

³⁸ *Id.* at 399.

³⁹ *Id.* at 399-400.

⁴⁰ Although the Court rejected certain elements of the rationale underlying the new cross-media limits, including some components of a “diversity index,” the Court did not question the Commission’s finding that the public interest benefits that can be realized in larger markets significantly outweigh the impact of a decrease in the count of independently owned outlets or voices.

adopted the *FNPRM*, and asked whether it should revise the 2003 cross-media limits, or whether it could justify those limits based upon additional evidence or analysis.⁴¹ The Commission now has received comments and reply comments on the *FNPRM*, and has conducted four further formal field hearings on media ownership. It is within the context of its 11-year-old commitment to revise the Rule, its six-year-old initiation of the proceedings to revise the Rule, its nearly four-year-old action repealing the Rule and adopting a rule that would permit Tribune's continued common ownership of WGN-TV, WGN(AM) and the *Chicago Tribune*, and its pending *FNPRM* that the Commission must evaluate Tribune's request for a waiver of the Rule.

B. The Standard for Granting a Temporary Waiver Pending Action on the *FNPRM*.

Tribune is entitled to a temporary waiver of the Rule pending action on the *FNPRM* under the Commission's standard for a such waiver. Nine years ago, when the Commission in its first biennial review called for the initiation of a proceeding to examine the Rule, it acknowledged that it retained "both the right and obligation" to review any request for conditional waiver of the Rule pending the rulemaking "based upon the specific facts in a particular case."⁴² The Commission stated emphatically that "[w]hat is important is whether the public interest would be served by a grant of a waiver."⁴³ The Commission recognized that it had granted temporary waivers pending proceedings examining some of the ownership rules at

⁴¹ The full text of the *FNPRM* was released on July 24, 2006. Comments were filed on October 23, 2006 and reply comments were filed on January 16, 2007.

⁴² See *1998 Biennial Regulatory Review*, Notice of Inquiry, 13 FCC Rcd. 11276, 11294 (1998) ("*Notice of Inquiry*").

⁴³ *Id.* at 11294-95.

issue, including the television duopoly geographic market standards,⁴⁴ but indicated that such waivers were not appropriate where the Commission was just initiating its review, as it was for the first time at that time in 1998.⁴⁵

Despite the fact that it was initiating its very first biennial review, the Commission did set forth standards suggesting when the grant of a conditional waiver of the Rule pending the rulemaking would be appropriate. As the Commission envisioned, “[t]his is most likely to occur where protracted rulemaking proceedings are involved and where a substantial record exists on which to base a preliminary inclination to relax or eliminate a rule.”⁴⁶ The Commission indicated that its precedent supported granting temporary waivers pending proceedings where the “Commission concludes that the application before it falls within the scope of the proposals in the proceeding, and a grant of an interim waiver would be consistent with the goals of competition and diversity.”⁴⁷

Given these pronouncements nine years ago, this Commission must recognize that in the instant application Tribune proposes a temporary waiver that is grounded on the precise basis foretold by the Commission in 1998. In assessing this waiver request, the Commission cannot ignore the conclusions reached in the *2003 Order*, especially given that the Third Circuit

⁴⁴ *Id.* at 11294, citing *Second Further Notice*, 11 FCC Rcd. 21655, 21681 (“Commission states that granting waivers satisfying the proposed standard would not adversely affect its competition and diversity goals in the interim”).

⁴⁵ *Id.* at 11294 (“In contrast to those situations, in our first biennial review of broadcast ownership rules, we do not believe it appropriate to provide for conditional waiver of any of the ownership rules under review in this proceeding solely because of the pendency of this review. *Here, for example, we do not have a protracted proceeding or substantial record on any of these rules that leads us to initial conclusions about any specific proposals to modify or eliminate any of the rules at issue here.*”) (emphasis added).

⁴⁶ *Id.*

⁴⁷ *Id.*

upheld that portion of the Commission's findings. More than three years ago, on the basis of exhaustive inquiry, review of thousands of public comments, and numerous empirical studies, the Commission fulfilled its commitment and replaced the Rule with less prohibitive limits that reflected the significant competitive and technological changes in the media marketplace. The Commission recognized that newspaper-broadcast combinations (1) do not adversely affect competition in the market, (2) promote the public interest by delivering more and better local coverage of news and public affairs, and (3) do not pose a widespread threat to diversity of viewpoint or programming.⁴⁸ Given these conclusions, and their confirmation by the facts described below, Tribune is entitled to a grant of the requested waiver. Having found the Rule outdated and counterproductive to the public interest, the Commission must recognize the protracted length of this proceeding, acknowledge the conclusions that were adopted and upheld by the Third Circuit, and realize that Tribune complies with the rules that were adopted and are being examined on remand. Under the standard enunciated for temporary waivers pending the rulemaking, it would be contrary to the public interest to force Tribune to divest WGN-TV, WGN(AM), or the *Chicago Tribune* merely because it seeks to transform itself from a publicly traded corporation to one owned by the ESOP Plan.⁴⁹ Indeed, this application seeks to maintain the status quo that has benefited Chicago residents for almost 60 years.

⁴⁸ See *supra* at 9-11; 2003 Order, 18 FCC Rcd. at 13748-49, 13752-54, 13756-57, 13759-60, 13767.

⁴⁹ This request, therefore, is far from the situation where an applicant seeks a waiver pending completion of a biennial or quadrennial rulemaking. The Commission already has found that the Rule must be replaced, and has been upheld by a court of appeals in that finding. The Commission adopted a replacement rule that, although requiring review on remand, clearly permits the present cross-ownership. Tribune thus is entitled to a "hard look" at its request for an interim waiver pending completion of the rulemaking. See *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969). Additionally, the Commission cannot blindly apply a rule that would force Tribune to divest its interests in media where the Commission has affirmatively recognized that the facts underlying the rule and its application have

If the Commission needed any other basis for concluding that the requested temporary waiver was warranted to preserve the *status quo* while it completes its remand proceeding on the *FNPRM*, it need look no further than the waiver standard adopted with the Rule. As the Commission indicated more than thirty years ago, waivers are warranted even in situations that do not involve economically distressed media properties where, “for whatever reason,” the “purposes of the rule would be disserved by divestiture” because the Rule “would be better served by continuation of the current ownership pattern.”⁵⁰ This criterion independently establishes a basis for waivers in situations where neither the broadcast station nor the newspaper is in financial distress. As Tribune will show, retention of Tribune’s common ownership of WGN-TV, WGN(AM) and the *Chicago Tribune* pending the Commission’s review of the *FNPRM* on remand better serves the public interest than forced divestiture under the Rule.

C. There is No Harm to Diversity from Tribune’s Common Ownership of WGN-TV, WGN(AM), and the *Chicago Tribune*.

Chicago is the third-largest DMA in the country, with more than 3.35 million television homes. The Chicago media market is diverse and competitive, with 14 independently-owned television stations, 87 independently-owned commercial and non-commercial radio stations and 24 daily newspapers published by 13 different publishers. Most of the country’s major media players own media properties in the market. Tribune’s media properties are institutions in Chicago – the *Chicago Tribune* and WGN are household names throughout the local community. The cross-media limits adopted by the Commission in 2003 clearly permit

changed and warrant a different result. At a minimum, the Commission must justify its departure from its previous conclusions. *See Radio-Television News Directors Association v. FCC*, 184 F.3d 872, 887 (D.C. Cir. 1999) (“*RTNDA*”).

⁵⁰ *See supra* at 6; 1975 Order, 50 F.C.C.2d at 1085.

Tribune's combination in Chicago,⁵¹ but even if the cross-media limits are ignored, the Commission should find that the requested waiver of the Rule is in the public interest based on the diversity in the Chicago market and Tribune's longstanding history of service to that local community through WGN-TV, WGN(AM) and the *Chicago Tribune*. Tribune's television reach in the market is only fifth among its strong group of competitors, and its newspaper faces strong competition from the *Chicago Sun-Times* and other dailies in the market.

Moreover, these traditional media outlets provide news, information and entertainment, and seek advertisers, in a market that has been revolutionized by widespread access to the Internet. Last year, more than 3.2 million Chicagoans accessed the Internet, and two-thirds of those people accessed the Internet via a broadband connection.⁵² As shown below, MSNBC, Google, and Yahoo! provide the most significant competition in the online access to local news and information and sale of advertising, and aggregate content from hundreds, if not thousands, of local websites and bloggers. More than ever before, consumers control their access to news, information and entertainment, and Tribune's properties are just three of hundreds of local outlets competing for their attention. The combination of WGN-TV, WGN(AM) and the *Chicago Tribune* has had and will have no significant adverse impact on the incredible diversity of media outlets available in the market.

1. *Television Stations in the Chicago DMA.*

There are 16 broadcast television stations in Chicago, the same as were in the market in 2001 (but an increase of six above the 10 available in 1975). Fourteen of these stations

⁵¹ See 2003 Order, 18 FCC Rcd. at 13804 ("With respect to markets with nine or more TV stations ('large markets'), we impose no cross-media restrictions. To begin with, markets of this size today tend to have robust media cultures characterized by a large number of outlets and a wide variety of owners.").

⁵² See *infra* at 30.

are independently owned and operated. The four major networks own stations in Chicago, and Fox and NBC each own duopolies. Like other markets, broadcast television ratings in Chicago are generally in decline; this is not surprising considering the emergence of new and different media outlets since 1975, and even 2001.

Chicago TV Stations With A 1 Share or Greater⁵³

Station	Owner	Affiliation	1975	2001	2006
WLS-TV, Channel 7	ABC/Walt Disney	ABC	22	15	13.3
WMAQ-TV, Channel 5	NBC Universal	NBC	26	11	7
WCPX, Channel 38	ION	ION	NA	2	<1
WSNS, Channel 44	NBC Universal	Telemundo	3	2	1.3
WGN-TV, Channel 9	Tribune	CW	17	9	6.4
WBBM-TV, Channel 2	CBS	CBS	24	7	6.8
WFLD, Channel 32	Fox Television Stations	Fox	5	8	6.3
WPWR, Channel 50	Fox Television Stations	MyNetworkTV	<1	5	2.1
WTTW, Channel 11	Window To The World	PBS	3	4	2.7
WCIU-TV, Channel 26	Weigel Broadcasting	Independent	<1	4	4
WGBO, Channel 66	Univision	Univision	NA	4	3.2
WYCC, Channel 20	City Colleges of Chicago	PBS	<1	1	<1

The Chicago television market has grown increasingly diverse and competitive since 1975, notwithstanding Tribune's common ownership of the *Chicago Tribune*, WGN(AM), and WGN-TV. A review of the declining audience share for broadcast television stations in Chicago demonstrates that diversity and competition are robust, increasing over time:

- * In 1975, the top four stations (WMAQ-TV, WBBM-TV, WLS-TV, and WGN-TV) together had an audience share of 89; by 2001, that share had declined by more than half to 42; in 2006, the collective share had declined to 33.5. Tribune's WGN-TV has fallen from a 17 share to a 6.4 share.
- * In 1975, the largest share earned by a television station was 26 (WMAQ-TV); by 2001, the largest share was 15 (WLS-TV); in 2006, the largest share earned by a station was even lower at 13.3 (WLS-TV).

⁵³ Audience shares are all-day ratings from the Nielsen Station Index for May of the year listed.

- * Tribune's WGN-TV competes with the FOX-owned WFLD for the fourth position in the market, behind WLS-TV (ABC), WMAQ-TV (NBC), and WBBM-TV (CBS). But News Corp. (FOX) has a greater share in the market with its duopoly of WFLD and WPWR.

Audience ratings also demonstrate that since 1975, the once-dominant stations have become less dominant (earning declining shares), while other (usually newer) stations have earned a greater share over time. In fact, fewer stations are earning shares at 10 or above, and more stations are earning shares at 4 or more. In 2006, one station attracted more than a 10 share, compared to two stations in 2001 and four stations in 1975. Conversely, while only seven stations had a 2 share or greater in 1975, eleven stations did so in 2001, and nine stations did so in 2006, despite the growth of cable network programming. Tribune's common ownership of media properties has not hindered the growth of diversity and competition in Chicago, where a large number of alternative outlets are available. Further, Tribune's common ownership of media properties in Chicago has not prevented WGN-TV's share from falling nor has it otherwise provided a competitive advantage. Despite being the fourth-ranked or fifth-ranked station in Chicago in 2006, depending upon the measure, WGN-TV currently has a share of 6.4, down from 9 in 2001, and less than half its share of 17 in 1975.

While audience share for the once-dominant stations has declined steadily since 1975, the amount of local news programming produced in the market each week has increased. Competition for Chicago news-viewing audience remains robust, with the current highest-rated evening newscast earning only a 9.9 share (down from 20 in 1975 and 14.2 in 2001).⁵⁴

⁵⁴ Shares are based on evening newscasts.

Hours and Household Ratings of Local News Per Week

Station	Current Affiliation	Hours/Wk 2001	Hours/Wk 2006	1975 Sh	2001 Sh	2006 Sh
WLS-TV, Channel 7	ABC	30	31.5	20	14.2	9.9
WMAQ, Channel 5	NBC	29.5	30	16	10.5	7.0
WSNS, Channel 44	Telemundo	5	5	NA	0.6	1.9
WCPX, Channel 38	ION	2.5	NA	NA	1.1	NA
WGN-TV, Channel 9	CW	27	31.5	9	6.3	4.6
WBBM, Channel 2	CBS	23.5	24.5	14	4.7	5.3
WFLD, Channel 32	FOX	33	33	NA	4.3	4.7
WGBO, Channel 66	Univision	7	3.5	NA	2.1	3.8
WTTW, Channel 11	PBS	2.5	20	NA	1.3	1.1
Total Hours		160	179			

As reflected in the table, these nine stations together broadcast approximately 179 hours of local news programming each week, an increase over the 160 hours per week in 2001. During that time, WGN-TV and its owner Tribune have increased the amount of news programming on the station, despite the loss of viewership to other non-broadcast news providers. The facts and trends evident from the table show that while audience ratings for broadcast television have declined, the delivery of news in the Chicago market is more plentiful and competition is more intense than ever.⁵⁵

2. *Impact of MVPD Presence in the Chicago DMA.*

In 2006, cable penetration in Chicago was 67%, and DBS reached approximately 17%, for a total MVPD penetration of approximately 84% of the market.⁵⁶ Five years ago, the total MVPD penetration was approximately 73%, with cable accounting for 65% of the Chicago

⁵⁵ While not included in the traditional “voice” count, there are numerous low power television stations in the Chicago DMA, none of which is owned by Tribune or its affiliates. Appendix 1 contains a list of these low power television stations.

⁵⁶ See Nielsen Market Data, for July 2006, TVB Research Central, Market Track data, New York DMA, found at www.tvb.org/rcentral/markettrack/archivebymarket.asp?marketid=38.

market and DBS about 8%. In 2001, Chicago cable systems (overwhelmingly owned and operated by Comcast Corporation) delivered approximately 80 channels; these cable systems and other MVPDs now deliver between 250 and 400 channels.⁵⁷

As noted previously, cable channels have increasingly taken audience share from broadcasters. For example, in Chicago:

- * Six cable channels earn a share of 2 or greater, including the Disney Channel (3.3) and TNT (3.3), Nickelodeon (2.8), USA Network (2.7), ESPN (2.0) and TBS (2.0). These six channels have shares that exceed seven broadcast television stations in Chicago.
- * Twenty-four cable networks currently earn at least a 1 share of the household audience in Chicago, compared to 28 cable channels in 2001. These other satellite-delivered channels include Fox News Channel, Comcast SportsNet Chicago, Lifetime, Cartoon Network, MTV, BET, Comedy Central, Discovery Channel, FX, the History Channel, and SpikeTV.⁵⁸

The diversity of viewpoint and programming options reflected in the television broadcast market is increased significantly by the MPVD penetration in the market, and the viewing options MVPDs provide. At the same time, as local ratings demonstrate, MVPDs have lessened the market shares of local broadcast voices, individually and collectively.

3. *Newspapers Published in the Chicago DMA.*

The Chicago newspaper market also features intense competition, including 23 daily newspapers in Chicago and the surrounding suburbs and 191 weekly newspapers. The *Chicago Tribune* has the largest circulation. Like many other markets and despite substantial population growth, the combined circulation of daily newspapers in Chicago has declined since

⁵⁷ BROADCASTING & CABLE YEARBOOK 2001; www.comcast.com.

⁵⁸ As is the case nationwide, the great increase in availability of satellite-delivered programming has resulted in the spread of viewership to many new alternative channels.

1975, and has fallen precipitously again since 2001.⁵⁹ Still, the competition between the *Tribune* and *Sun-Times* in Chicago remains legendary, and the *Arlington Heights/Daily Herald* also attracts significant readership.

Top Daily Newspapers	1975 Circulation	2001 Circulation	2006 Circulation
<i>Chicago Tribune</i>	806,083	675,847	579,079
<i>Chicago Sun-Times</i>	567,780	480,920	382,796
<i>Chicago Daily News</i>	425,220	Not published	Not published
<i>Arlington Heights/Daily Herald</i>	11,717	148,375	151,112
Combined Circulation	1,810,800	1,305,142	1,112,987

Combined daily circulation at the top two newspapers is down 16.8% since 2001 and 30% since 1975. The *Chicago Daily News*, a significant daily in 1975, is no longer published.

Notwithstanding their respective circulation declines, competition between the *Chicago Tribune* and the *Chicago Sun-Times* remains fierce. Moreover, in addition to these three dailies, 21 other daily newspapers are published, with at least 10 additional publishers represented in the market.

These newspapers include:

- * The *Daily Herald*, with a circulation just over 185,000, the *Times*, with a circulation just over 83,000, and the *Post-Tribune*, with a circulation over 64,000.
- * Ten newspapers with circulations between 10,000 and 50,000, including the *Joliet Herald-News* (42,663), the *Daily Southtown* (41,114), the *Northwest Herald* (37,636), *The Star* (37,267), the *Aurora Beacon-News* (27,167), the *Naperville Sun* (17,596), the *Kane County Chronicle* (13,493), and the *Elgin Courier-News* (13,143).
- * In addition to Tribune and Hollinger (Sun-Times Media Group), publishers in the Chicago DMA include Shaw Newspapers (*Northwest Herald* and *Kane County Chronicle*), Lee Enterprises (*The Times*), Paxton Media Group (*The News-Dispatch*), Pulitzer Newspapers (*The Daily Chronicle*), and The Small Newspaper Group (*Daily Journal* and *The Daily Times*).

⁵⁹ Audit Bureau of Circulations (“ABC”) Report Data and SRDS Database.

In addition, Chicago's newspaper market has become increasingly diverse and competitive with the advent of hundreds of weekly newspapers, many of which have begun publication since 1975. At least 191 weekly newspapers are currently distributed in Chicago, published by 51 different owners. The leader in the weekly newspaper arena is Pioneer Press, a subsidiary of Hollinger/Sun-Times Media Group, the publisher of the *Chicago Sun-Times*. Pioneer publishes more than 40 separate weekly papers in communities around Chicago, with a combined weekly circulation of approximately 185,000. Other weekly publishers and weekly newspapers include:

- * Approximately 20 weeklies published in Chicago, including the *Beverly Review* (6,300), *Chicago's Northwest Side Press* (45,000), the *Near North News* (7,080), the *News Star* (6,000), the *Reporter* (12,000), and the *Southwest News Herald* (54,000).
- * Weeklies published by Community Media Group (*Remington Press*, *Kankakee Valley Post-News*, and the *Newton County Enterprise*), Examiner Publications (*The Bartlett Examiner* and *The Hanover Park Examiner*), GateHouse Media (*Naperville Reporter*, *Lemont Reporter*, *Romeoville Metropolitan*, *Glendale Heights Press* and 14 other weeklies), Liberty Suburban (*The Downers Grove Reporter*, *Elmhurst Press*, the *Batavia Republican* and 13 other weeklies), Pulitzer Newspapers (*The MidWeek*), Southwest Messenger Press (*Evergreen Park Courier*, *Bridgeview Independent* and 9 other weeklies), and Sun Publications (*The Plainfield Sun* and 8 other weeklies).
- * Alternative weeklies like *The Chicago Reader* and *New City*.

More than 25 of these weekly newspapers are circulated to 10,000 or more readers, and 110 of these weekly publications are circulated to between 1,000 and 10,000 readers. Clearly, weekly publications have become significant sources of news and information in Chicago.⁶⁰

⁶⁰ Appendix 2 contains a list of daily and weekly newspapers available in the Chicago DMA.

4. *AM, FM and Satellite Radio Service in the Chicago DMA.*

The Chicago DMA contains 167 commercial and non-commercial AM and FM radio stations, owned and operated by 87 separate entities.⁶¹ Of the 166 stations in the DMA, 46 English-language radio stations, operated by 34 different broadcasters, offer varied formats that focus on news, talk, sports, information, education and religion. Fourteen stations, operated by seven different broadcasters, offer Hispanic or ethnic formats. More than 100 stations, operated by 55 different broadcasters, offer a variety of music formats, and one station offers a children's format.⁶² Finally, in addition to terrestrial radio, as discussed previously, both XM and Sirius offer satellite radio programming on a subscription basis to Chicago residents, each with over 130 channels of format and variety.⁶³

5. *Traditional Media Revenue Share and Concentration Analysis*

Analysis of the revenues and concentration for broadcasters and newspaper publishers confirms the "voice count" analysis demonstrating that common ownership of WGN-TV, WGN(AM) and the *Chicago Tribune* has not adversely affected, and will not affect, the incredible diversity of media outlets in the Chicago market. The HHI for the broadcast and newspaper media in Chicago in 2005 is 1302, more than 200 points lower than the national average of 1495. This HHI is indicative of a market that is at the low end of "moderately concentrated" range as defined by Section 1.5 of the Department of Justice's Merger Guidelines and closer to the 1,000 level that represents an unconcentrated market than the 1,800 level that

⁶¹ In the more limited radio geographic market as defined by the rules adopted in the *2003 Order*, there are 134 radio stations owned by 72 different owners.

⁶² Appendix 3 contains a list of AM and FM radio stations licensed to the Chicago DMA.

⁶³ Attached as Appendix 4 are the program offerings for XM and Sirius.

represents a “highly concentrated” market.⁶⁴ Moreover, each segment of the traditional media in Chicago is highlighted by fierce competition: the *Chicago Tribune* competes with the *Chicago Sun-Times* in the city and the *Arlington Heights/Daily Herald* and other dailies in the suburbs; WGN-TV competes with six television stations owned by the four major networks (ABC, NBC, CBS and Fox) as well as numerous cable networks available to the majority of the market; WGN(AM), a stand-alone AM radio station, competes with “clustered” group-owned stations throughout the market.⁶⁵

Thus, Tribune’s common ownership of WGN-TV, WGN(AM) and the *Chicago Tribune* has not resulted in increased media concentration in the Chicago market, as demonstrated by a number of factors. First, the level of concentration in the Chicago market has remained flat since 2000, and the HHI has decreased from approximately 1352 in 2000 to 1302 in 2005.⁶⁶ Second, while Tribune has the top advertising revenue share in the market at approximately 29.3%, just below the national average of 30.2% for the market leader, in this

⁶⁴ If Tribune were forced to sell WGN(AM) and WGN-TV, it is unlikely that the HHI would fall under 1000, because these properties likely would be purchased by others with media interests in the market. On the other hand, tearing these media properties apart, and ending more than six decades of local ownership and commitment to news and public affairs in the Chicagoland community, likely would reduce the amount of news and public affairs programming from which Chicagoland residents benefit, and remove a longstanding voice widely recognized as a pioneer in radio and television broadcasting.

⁶⁵ While this economic analysis confirms the diversity of outlets in the market, it should be remembered that these three “traditional media” do not compete head-to-head in the market. The Commission concluded that repealing the Rule would not harm competition because newspapers and broadcast stations do not compete in the same economic market, noting that “most advertisers do not view newspapers, television stations and radio stations as close substitutes” and, “at least for purchasers of advertising time,” newspapers, television and radio “make up distinct product markets.” *2003 Order*, 18 FCC Rcd. at 13749. Further, to the extent that any advertisers tend to substitute between media, the Commission found that newspaper-broadcast combinations continue to face competition from a number of separately-owned media outlets in their local markets. *Id.* at 13753. The Commission thus held that newspaper broadcast-combinations do not “adversely affect competition in any product market.” *Id.* at 13749.

⁶⁶ See BIA Report at 14.

market there are also significant revenue shares spread across a number of other owners. While the *Chicago Tribune* has approximately 22%, the Sun-Times Media Group has approximately 13.1%. While WGN-TV has approximately 5% of the market, the parent companies of CBS, NBC, ABC and FOX all have greater than 7% shares of the revenue in the market. This wide distribution of revenues is indicative of a strongly competitive market. Moreover, this analysis and its trends do not reflect the effects of cable advertising and non-traditional media such as the Internet, which when considered, further dilute the level of concentration in Chicago.

6. *The Internet and Its Impact on the Local Market.*

In recent years, high-speed Internet access in the United States has skyrocketed, fundamentally changing the way Americans receive news and information. In 2002, the Commission readily acknowledged the “important role [of the Internet] in the available media mix” as “a commonly-used source for news, commentary, community affairs, and national/international information.”⁶⁷ Today, the prevalence of the Internet as a primary source of news and public affairs information is unmistakable. As of August 2005, North American consumers spent more hours each week using the Internet (5.9 hours) than reading newspapers (3.4 hours).⁶⁸ And although home broadband subscribers spend more time watching local and national television and listening to the radio, they still rely on online news sources more than their local newspaper.⁶⁹

⁶⁷ 2003 Order, 18 FCC Rcd. at 13765-66.

⁶⁸ Forrester Research, August 2005; ClickZ, August 2005.

⁶⁹ John B. Horrigan, Associate Director for Research, Pew Internet & American Life Project, Online News, at ii (Mar. 22, 2006) (“Online News”).

These trends will continue as consumers purchase high-speed Internet access.

According to the Pew Internet & American Life Project, home broadband adoption increased by 40 percent from 60 million Americans in March 2005 to 84 million Americans in March 2006.⁷⁰ Indeed, approximately one-quarter of the growth of daily online news consumption since 2002 can be attributed to the rise in residential broadband adoption.⁷¹ Today's Internet users have a multitude of online news sources from which to receive a diversity of information and commentary, not only including local daily newspaper, television station, and radio news sites, but also national television news sites from CNN and MSNBC with local pages, portals and aggregators such as Google and Yahoo!, international news sites such as BBC, local news blogs, alternative news sites such as Alternet or Newsmax, and news listservs.⁷² Users' ability to control the amount and type of content they receive, as well as the method through which they receive it (for example, PDA or mobile phone alert, podcast, or streaming video file), will continue to fuel the popularity of online news sources over traditional print and broadcast media.

Internet usage in the Chicago market reflects national trends showing increasing adoption and use. Today, more than 3.2 million people in the Chicago DMA currently have access to the Internet, and more than 64% of those users have a residential broadband connection.⁷³ Websites owned by Yahoo!, Google, and Microsoft currently lead audience measurement metrics across the board, including average reach and number of unique visitors per month. These measurements significantly exceed those of websites from traditional

⁷⁰ John B. Horrigan, Associate Director for Research, Pew Internet & American Life Project, Home Broadband Adoption 2006, at i (May 28, 2006) ("Home Broadband Adoption 2006").

⁷¹ Online News at 4.

⁷² *Id.* at 10-12.

⁷³ Media Metrix, March 2006.

broadcasters, and provide not only national news and information, but aggregated access to local news, sports, and weather as well. Comparing the Chicago Internet leaders in 2001 and today demonstrates the variety of sources available for news, information, opinion and entertainment.

The Chicago market has been dominated by sites owned by America Online, Microsoft and Yahoo, each with content, including news, weather and other information specifically designed for Chicagoans.⁷⁴ In 2001, AOL reached 78.8% of Internet users, Microsoft reached 72.8% of users, and Yahoo reached 65.7%.⁷⁵ As broadband has become more prevalent, more websites and portals have obtained significant usage in the market.

While many websites produced by traditional media outlets have grown in popularity since 2001, including websites operated by Tribune, Internet usage in 2006 reflects more vibrant competition in the Chicago DMA than ever before. For example:

- * AOL News, Yahoo!News and MSNBC are still among the seven most accessed websites in the market, but approximately 50 websites reach 1% or more of the market.⁷⁶
- * AOL News reaches 13.9% of Internet users, MSNBC.com reaches 14.6% of all Internet users, and Yahoo! News reaches 26.9% of all Internet users. On a monthly basis, these three sites each reach between 606,000 and 1.175 million unique visitors.
- * Tribune's reach in the market, as of March 2006, was just over 18.3%, with approximately 800,000 unique visitors per month.
- * Twenty-seven website operators reach more than 100,000 users per month in Chicago, including websites operated by traditional media like the in-market publishers of the *Chicago Sun Times* and *Chicago Tribune*; the four major broadcast networks; and out-of-market publications like the *New York Times* and *The Washington Post*. Numerous independent and non-traditional websites are

⁷⁴ Jupiter Media Metrix, Local Market Audience Ratings, October 2001.

⁷⁵ See *id.*

⁷⁶ Reach data based upon Media Metrix data for March 2006.

included among the 29 websites, including sites operated by Internet Broadcasting Systems, Slate.com and wunderground.com, all of which reach more than 2% of Internet users or 88,000 unique visitors.

- * A large number of independent Blogs dedicated to the Chicago area can be identified using www.technorati.com and other websites, including Chicago Bloggers (www.chicagobloggers.com), Hyde Park Assets (<http://hydeparkcrime.blogspot.com>), Blogging Mayor of Round Lake (www.eroundliake.com/blog), Windy City Webloggers (<http://chicago.creativecanvas.com>), Metroblogging Chicago (<http://netblos.co>), Chicago Blogs (www.ringsurf.com/netring?ring=chicagoblogs), Chicagoray (<http://chicagoray.blogspot.com>), Blog-A-Bull (www.blogabul.com), Chicagoist (www.chicagoist.com), Gaper's Block (www.gapersblock.com), Hot Type (www.chicagoreader.com/features/stories/hottype.com), Chicago Life (<http://chicagolife.blogspot.com>), and Eat Chicago (www.eatchicago.net) to identify just a few.

As the large and diverse number of websites that provide local news and information for Chicagoans reflects, there is no shortage of media outlets in the Chicago DMA.

D. Numerous Public Interest Benefits Result from Tribune's Ownership of WGN(TV), WGN-AM and the *Chicago Tribune*.

It is difficult to illustrate the myriad public interest benefits that have resulted over the almost 60 years of Tribune's common ownership of WGN-TV, WGN(AM), and the *Chicago Tribune* in the Chicago DMA. Joint efforts between these media properties – in addition to CLTV – have improved measurably each one's ability to cover news and contribute to its community. The combination provides programming and local public interest benefits that no television station or radio station on its own could otherwise offer. These benefits flow directly to the public, and would have been difficult to attain absent common ownership and Tribune's firm commitment to bringing news and public affairs programming benefits to the public.

As noted above, during the period of Tribune's common ownership, WGN-TV has expanded its regularly-scheduled local news programming to 31.5 hours per week, the most of any station in the Chicago DMA, notwithstanding the fact that WGN-TV is not affiliated with one of the top-4 networks. Two of WGN-TV's regularly-scheduled local newscasts are time-shifted to air on CLTV. Both WGN-TV and WGN(AM) have drawn on the rich and deep resources of the *Chicago Tribune* to enrich and expand their local and regional news and public affairs coverage. News staff at all three media properties collaborate on a twice-daily basis on stories each is covering that are of interest to the local community. In addition, WGN-TV and WGN(AM) reporters have access to a daily schedule provided by the *Chicago Tribune* editorial staff of planned events of local interest each day.

WGN-TV and WGN(AM) have access to the resources of the *Chicago Tribune* to enhance their ability to cover issues of local importance. For example, the *Chicago Tribune* editorial board regularly meets with local, state and national newsmakers and civic leaders for purposes of informing their reporting. Those leaders are then made available to WGN-TV and WGN(AM) reporters for interviews after meeting with the editorial board. The media properties also share video footage. For example, when Barack Obama announced his candidacy for President in Springfield, Illinois, the *Chicago Tribune* video coverage of the event was provided to WGN-TV to be included in its local news. Similarly, when an animal recently had surgery at the Lincoln Park Zoo, the *Chicago Tribune* provided video to WGN-TV for a story on the local news. WGN-TV, WGN(AM) and the *Chicago Tribune* also collaborated on a significant event of importance to the large Polish community in Chicago on the occasion of the 25th anniversary of Pope John Paul II's elevation to Pope. Both the *Chicago Tribune* and WGN-TV ran a series

of stories on the event, utilizing video from both sources. In addition to covering the local events on the air, a WGN(AM) program host narrated a CD that was produced to commemorate the event.

WGN-TV and WGN(AM) have been able to enhance their coverage of the major national and international events through access to *Chicago Tribune* newspaper reporters, staff and resources. For example, the television station and the radio station, operating alone, could not afford to dedicate their limited staffs to coverage of the wars in Iraq and Afghanistan, but through access to *Chicago Tribune* reporters that are dedicated to such coverage, not only can the stations present expert coverage, but coverage with a local focus. On numerous occasions throughout these international conflicts, both WGN-TV and WGN(AM) have been able to access *Chicago Tribune* reporters on the ground for live, videotaped or satellite-phone interviews. In addition, video shot by *Chicago Tribune* reporters in both Iraq and Afghanistan has been provided to WGN-TV (and in turn to CLTV) for their local news. Absent access to these resources of the *Chicago Tribune*, WGN-TV and WGN(AM) would not be able to cover their significant international events nearly as well as they do.

WGN-TV, WGN(AM) and the *Chicago Tribune* also work together on certain public affairs specials and programs. These have included, for example, several political debates, including the 2002 gubernatorial debate. The stations and the newspaper also collaborate on coverage of the Republican and Democratic party conventions, as well as polling research during elections. WGN-TV utilizes *Chicago Tribune* reporters and editors for its news coverage on election night.

Finally, Tribune's media properties work together to promote public service outreach in the Chicagoland community. For example, the Greater Chicago Food Depository's annual event, "Hunger Knows No Season," is promoted by all three of Tribune's media properties. The *Chicago Tribune* runs print ads about the fundraiser, and both WGN-TV and WGN(AM) air public service announcements and interviews with individuals responsible for spearheading the effort.

As these examples illustrate, Tribune and its broadcast stations are committed to maintaining the highest standards of news and public affairs programming. In the 60 years that Tribune has operated WGN-TV, WGN(AM) and the *Chicago Tribune*, all three properties have succeeded in providing the local public with enhanced news specials, news coverage, public affairs programs, and public interest projects, as the examples discussed above demonstrate. The grant of a waiver of the Rule to permit continued common ownership will allow Tribune to continue to develop quality news and public affairs programs for the greater Chicago area, without adversely impacting diversity in the Chicago DMA.

III. Tribune Should Be Permitted to Own WGN(TV), WGN-AM and the *Chicago Tribune* Pending Completion of the Commission's Action on the *FNPRM*.

Under the standard announced by the Commission in its *Notice of Inquiry* in 1998, a waiver pending a rulemaking is warranted "where protracted rulemaking proceedings are involved and where a substantial record exists on which to base a preliminary inclination to relax or eliminate a rule."⁷⁷ Temporary relief pending the completion of rulemaking proceedings is particularly appropriate where the Commission can conclude that "the application before it falls within the scope of the proposals in the proceeding, and a grant of an interim waiver would be

⁷⁷ *Notice of Inquiry*, 13 FCC Rcd. at 11294.

consistent with the Commission's goals of competition and diversity.”⁷⁸ From the facts set forth above, it is clear that the Chicago media marketplace is intensely competitive and diverse, and has not suffered harm as a result of Tribune's common ownership of WGN-TV, WGN(AM) and the *Tribune* over the last 60 years. Instead, viewers in the market benefit from the enhanced news and public affairs programming that combined ownership makes possible. Thus, Tribune is entitled to a temporary waiver of the Rule for its grandfathered common ownership pending completion of the Commission's protracted proceeding resolving the *FNPRM*.

A. A Substantial Record Exists In A Protracted Proceeding.

As Tribune demonstrates in this waiver request, the protracted nature of this rulemaking proceeding – “where a substantial record exists on which to base a preliminary inclination to relax or eliminate” the Rule – is uncontroverted. Almost four years ago, the Commission adopted findings that resulted in its elimination of the Rule; those findings were based on two years of proceedings that included at least three rounds of comments, and the conduct of multiple studies and hearings. As the Third Circuit's opinion in *Prometheus* makes clear, the relaxation of the blanket prohibition on cross-ownership of newspapers and broadcast stations is not in doubt. The Commission adopted, and the court upheld, at least three salient rationales for its elimination and relaxation of the Rule. First, the Commission concluded that newspaper-broadcast combinations generally “cannot adversely affect competition in any relevant product market,” thus making the Rule no longer necessary to protect competition.⁷⁹ Second, the Commission held that newspaper-broadcast combinations promote the public

⁷⁸ *Id.*

⁷⁹ See 2003 Order, 18 FCC Rcd. at 13748-49, 13752-53, 13767. Indeed, Tribune's grandfathered combination in Chicago is a classic example of this finding.

interest by delivering more and better local coverage of news and public affairs, and that the Rule actually inhibits such programming and benefits.⁸⁰ Finally, the Commission found that the record in the proceeding did not support the conclusion that “common ownership of broadcast stations and daily newspapers in the same community poses a widespread threat to diversity of viewpoint or programming.”⁸¹ The Third Circuit did not take issue with these findings and conclusions — they stand. The Commission would be acting arbitrarily and capriciously if, in the context of the instant waiver request, it ignored the conclusions it reached in its rulemaking proceeding, especially those findings upheld by the Third Circuit.

The protracted procedural posture of this case, where Tribune has sought and the Commission has promised appropriate relief for more than a decade, further demonstrates the appropriateness of the grant of a temporary waiver pending the conclusion of the rulemaking proceeding:

- * More than ten years ago, in several adjudications, the Commission committed to commence a rulemaking regarding the Rule, with all Commissioners recognizing the public interest in relaxation of the rule.
- * More than seven years ago, the Commission concluded in its *1998 Biennial Regulatory Review* that the Rule needed to be modified.
- * In releasing its *2000 Biennial Regulatory Review*, the Commission confirmed this conclusion and in 2001, issued a Notice of Proposed Rulemaking to achieve this result.
- * In 2003, the Commission, after extended proceedings, including rounds of comments, studies and hearings, made detailed findings that supported its conclusion that the Rule was no longer justifiable, and repealed the Rule, replacing it with specific cross-media limits that would permit Tribune’s common ownership of WGN-TV, WGN(AM) and the *Tribune*.

⁸⁰ *Id.* at 13753-54, 13756-57, 13759-60.

⁸¹ *Id.* at 13767.

- * In 2004, the Third Circuit affirmed the portion of the Commission's *2003 Order* that the blanket ban contained in the Rule should be repealed, but remanded the proposed new rules for further support or amendment.
- * More than two years later, the Commission released its *FNPRM*, and despite a tentative conclusion not to revive the "diversity index" in its prior form, specifically asked whether it should retain the 2003 cross-media limits because they can be justified with additional evidence or analysis, or amend them.

The present case therefore involves the very type, indeed an almost perfect example, of the "protracted rulemaking proceeding" that the Commission envisioned warranting temporary relief for applicants; it is nothing like the situation where the Commission wished to avoid such interim relief requested based solely on the initiation of a quadrennial review.⁸² Tribune's request for a temporary waiver pending completion of the Commission's *FNPRM* is much more than a request based on "the mere initiation of a proceeding stating that the rule would be examined, or merely the fact that such a proceeding was on the horizon."⁸³ As shown above, in extensive proceedings that have taken more than seven years, the Commission has adopted findings and conclusions that led it to repeal the Rule, and those findings were upheld by the Third Circuit.

B. Tribune's Request is Within the Scope of the Adopted Rule.

As part of this longstanding rulemaking proceeding, the Commission has adopted restrictions on the cross-ownership of broadcast stations and daily newspapers which, if effective, would permit the ownership combination that is the subject of Tribune's waiver request. The cross-media limits adopted to replace the Rule in the *2003 Order*, though stayed by the Third Circuit, would permit the common ownership of all of Tribune's media properties, with a wide margin of comfort. Tribune can therefore demonstrate that its request for an interim

⁸² *Notice of Inquiry*, 13 FCC Rcd. at 11294.

⁸³ *UTV of San Francisco, Inc.*, 16 FCC Rcd. 14975, 14988 (2001) quoting *Renaissance Communications*, 13 FCC Rcd. 4717, 4719 (1998).

waiver pending the completion of these proceedings “falls within the scope of the proposals in the proceeding.”⁸⁴

The Commission’s longstanding policy, recognized in the *Notice of Inquiry*, of providing temporary waivers where specific rules have been proposed in rulemakings that, if adopted, would provide relief, is consistent with sound law and policy. As Tribune demonstrates, having adopted rules in 2003 that would not require divestiture, the Commission should not and cannot now reasonably force divestiture of one of Tribune’s media properties without providing a reasoned basis for departing from the limits adopted in the *2003 Order*. As the Commission must recognize, the Rule survives only in a procedural posture: the Commission eliminated the Rule based on the conclusion that it no longer was justified in its 1975 form as the result of current media conditions. The Rule was replaced by cross-media limits that were stayed pending appeal, and which now await further action by the Commission after the Third Circuit’s decision in *Prometheus*.⁸⁵ The Rule now is in effect not because the Commission believes it continues to serve the public interest, but because the Commission’s action to scrap and scale back the Rule has taken years to complete. In such a procedural posture, the Commission traditionally has granted temporary waivers pending the completion of rulemaking proceedings, and should do so here, both to comport with the Commission’s findings upheld by the Third Circuit, and to serve the public interest against forcing the divestiture of WGN-TV, WGN(AM),

⁸⁴ *Notice of Inquiry*, 13 FCC Rcd. at 11294.

⁸⁵ *See supra* at 10-11.

or the *Chicago Tribune* pending the FCC's conclusion of its longstanding rulemaking proceeding.⁸⁶

C. The Public Interest Would Be Served by the Temporary Waiver.

The public interest would be disserved by Tribune's divestiture of WGN-TV, WGN(AM) or the *Chicago Tribune*, and would be better served by continuation of the current ownership during the interim period in which the Commission resolves its proposal in the *FNPRM*.⁸⁷ Whether under the standard for an interim waiver pending a rulemaking or the fourth criterion for a waiver of the Rule under the 1975 standard – where, “*for whatever reason*, the purposes of the rule would be disserved”⁸⁸ – the Commission must grant waivers in precisely the kind of situation Tribune demonstrates here: where Tribune would comply with the proposed new rule and there is no diminution in the diversity of viewpoints in the market that has occurred or is likely to occur. Here, a waiver would foster the diversity of viewpoints and programming because the media marketplace in the Chicago DMA already is vibrant and diverse, and the combination of WGN(TV), WGN-AM and the *Chicago Tribune*, grandfathered for many years, has provided new and enhanced opportunities for news and public interest programming.

Indeed, the Commission has granted a *permanent* waiver of the Rule for common ownership of a newspaper and a television station in the *very market* at issue here – the third

⁸⁶ *Notice of Inquiry*, 13 FCC Rcd. at 11294; *see also National Exchange Carrier Association Petition To Amend Section 69.104*, 19 FCC Rcd. 13591 n.116 (2004) (“Grant of a waiver pending the result of a rulemaking proceeding is consistent with Commission precedent”); *Administration of the North American Numbering Plan*, 20 FCC Rcd. 2957 (2005) (granting a waiver of a rule to permit obtaining numbering resources directly from NANPA after considering hardship and equities to SBC); *2000 Biennial Regulatory Review of Part 68*, 15 FCC Rcd. 10525 (2000) (recognizing public interest in grant of interim waivers in anticipation of completing rulemakings that will effectuate a change in the rules to accommodate innovations on a permanent basis).

⁸⁷ *See id.*; *1975 Order*, 50 F.C.C.2d at 1085.

⁸⁸ *Newspaper-Broadcast NPRM*, 16 FCC Rcd. at 17285 (emphasis added).

largest market in the country – as well as in a similar market.⁸⁹ In both of these cases, the Commission recognized that the large television markets at issue, New York City and Chicago, were extremely competitive and diverse.⁹⁰ The market at issue here contains significantly more media competition and diversity than the New York City market analyzed in 1993 and the Chicago market analyzed in 1977.⁹¹ In those instances, the Commission granted the applicants *permanent* waivers of the Rule, much greater relief than the temporary waiver sought by Tribune for approval of the transfer of its stock from public shareholders to participants in the ESOP Plan.⁹²

Tribune thus should receive a temporary waiver of the Rule pending completion of the *FNPRM* proceeding because the combination of WGN-TV, WGN(AM) and the *Chicago*

⁸⁹ *Fox Stations*, 8 FCC Rcd. 5341 (1993); *Field*, 65 F.C.C.2d 959 (1977). The Commission also has granted two permanent waivers of the Rule for the common ownership of a daily newspaper and a radio station. See *Kortes Communications, Inc.*, 15 FCC Rcd. 11846 (2000); *Columbia Montour Broadcasting Co., Inc.*, 13 FCC Rcd. 13007 (1998).

⁹⁰ *Fox Stations*, 8 FCC Rcd. at 5351; *Field*, 65 F.C.C.2d at 959-60.

⁹¹ In *Fox Stations*, the Commission analyzed the New York City television market as follows: “New York City itself is encompassed by the city-grade signals of at least 10 full-power television stations other than WNYW and it is the community of license of 24 AM and FM radio stations. Eight cable systems serve the five boroughs of New York City, providing between 28 and 78 channels. And New York, which has four general interest daily newspapers, is the only city in the nation to support more than two dailies. Moreover, 22 weekly newspapers, many of which cater primarily to local news, are published in the city. Given the wide array of voices in New York City, any detriment to diversity caused by common ownership of the two media outlets would be negligible, even if we look only to its full-service television stations and four dailies.” *Fox Stations*, 8 FCC Rcd. at 5351. In *Field*, the Commission concluded simply: “the markets in question are dominated by multiple owners and network affiliates and support numerous other media outlets.” *Field*, 65 F.C.C.2d at 959.

⁹² In *Fox Stations*, the waiver was granted to ensure the continued survival of the *New York Post*. *Fox Stations*, 8 FCC Rcd. at 5345. In *Field*, the waiver was granted to provide for the reacquisition of a distressed broadcast station by the previous licensee, which also owned a daily newspaper in the market. *Field*, 65 F.C.C.2d at 959. In neither of these cases was the “catch-all” fourth criterion necessary – except for the fact that the Commission had cautioned that its grant of waivers under the first three criteria would not be of permanent duration, and it wanted to grant a permanent waiver in very diverse and competitive television markets.

Tribune does not adversely alter the diversity or competitive nature of the market. As demonstrated extensively above, the media in the Chicago DMA have grown more diverse and competitive during the 60 years of *Tribune's* common ownership, and there are direct and measurable public interest benefits in the form of increased and improved ability to provide news and public affairs programming on issues of local importance as a direct result of *Tribune's* locally-based, common ownership of WGN-TV, WGN(AM) and the *Chicago Tribune*. There are 16 television stations, 24 daily newspapers, and 167 radio stations that serve the third-largest market in the country, as well as numerous other sources of news and information of local interest, including cable channels, satellite radio stations, weekly newspapers and magazines, and Internet websites. *Tribune* competes with other strong media in the market including four major network owned-and-operated stations, two major network owned duopolies, and the *Chicago Sun-Times*.

Faced with these facts and its own conclusions, the Commission must grant *Tribune* an interim waiver pending completion of the rulemaking. The Commission should be near the conclusion of its protracted proceeding to replace the Rule. The rule adopted in June 2003, with which *Tribune* would be in compliance, may be amended during the course of proceedings on the *FNPRM*, but the Commission has not yet articulated any basis for such a conclusion. Until the Commission articulates some reasoned basis for an alternative rule that is consistent with the findings that resulted in the repeal of the Rule that was upheld by the Third Circuit, the Commission's articulated standards for a temporary waiver require that *Tribune* be granted such relief.

The Commission should recognize that under the principles enunciated in *RTNDA*, it cannot continue to enforce the Rule without careful analysis of its application, now that the rationale for the Rule in its present form has been expressly undercut, and where facts have been shown that warrant the grant of a temporary waiver under the standard set forth in the *Notice of Inquiry*.⁹³ In *RTNDA*, the D.C. Circuit concluded that, having conducted rulemakings in which it found that the rationales underlying the political editorial and personal attack rules no longer survived, the Commission could not continue to enforce the rules against its television licensees without further detailed and factual support. The Commission had years earlier concluded that the balancing of objectives underlying those rules no longer supported their continued application.

In the same way, the Commission has now recognized that the Rule in its present form disserves the public interest, and must, at a minimum, be replaced. Having adopted such a conclusion in 2003, as well as the new limits with which Tribune complies, the Commission cannot now reasonably force divestiture of one of Tribune's media properties without providing a reasoned basis for departing from the findings made after careful analysis in the *2003 Order*.

Moreover, it would be arbitrary and capricious for Tribune to be denied a temporary waiver to own WGN-TV, WGN(AM) and the *Chicago Tribune* when either the television station or the radio station could be owned in common with other market-leading television stations and radio stations, respectively. At the time it adopted the Rule, the Commission justified its onerous restriction on the rights of newspaper owners by stating that owners of television and radio stations in the market also could not acquire a cross-ownership

⁹³ *RTNDA*, 184 F.3d at 887.

interest in another medium of mass communications.⁹⁴ The Commission already has liberalized almost all of its other broadcast ownership rules and their corresponding waiver policies in response to the same changes in the media marketplace that warrant revision of the Rule. Most specifically, the Commission relaxed the Rule's companion prohibition on combined ownership of television stations and radio stations in the same market (the "one-to-a-market rule").⁹⁵ At the same time that it relaxed the one-to-a-market rule, the Commission substantially revised the television "duopoly" rule, permitting the ownership of two television stations in the same market where at least eight independently owned stations would exist after the combination.⁹⁶ Both of these rules, which were in effect at the time of the adoption of the Rule in 1975, were adopted based on precisely the same rationale that underlies the Rule, and then substantially modified for precisely the same reasons that the Commission adopted when it modified the Rule.⁹⁷

The Commission also must grant Tribune's request for a temporary waiver of the Rule because the current application of the Rule in such circumstances violates Tribune's First Amendment right to free speech and Fifth Amendment equal protection right. The restriction violates the equal protection component of the Fifth Amendment's Due Process Clause because the Rule singles out and subjects newspaper owners such as Tribune to restrictions on speech that are not applied to other speakers, including other broadcast stations.⁹⁸ "Laws that single out

⁹⁴ *1975 Order*, Reconsideration Order, 53 F.C.C.2d 589 (1975).

⁹⁵ *Review of the Commission's Regulations Governing Television Broadcasting*, 14 FCC Rcd. 12903, 12947 (1999) ("*Television Ownership Order*").

⁹⁶ *Id.* at 12932.

⁹⁷ *See id.* at 2948-50.

⁹⁸ The Rule similarly discriminates against Tribune as a broadcaster, because cable networks can be commonly owned with newspapers and accumulate large numbers of other "voices" in ways that are unavailable to broadcasters.

the press, or certain elements thereof,” are subject to “heightened scrutiny.”⁹⁹ To survive scrutiny under this burden, discrimination among speakers “must be tailored to serve a substantial government interest.”¹⁰⁰ The Rule cannot survive such heightened scrutiny because the burden of the restrictions on newspaper owners in contrast to other owners of “major media of mass communications” is no longer justifiable. While over 25 years ago the Supreme Court held that the regulations in question “treat newspaper owners in essentially the same fashion as other owners of the major media of mass communications,”¹⁰¹ today the speech of newspaper owners is singled out for unfavorable treatment in important ways not applicable to other owners of major media — cable television system owners, cable program networks, magazine publishers, or Internet website providers, for example. The Commission’s recent assessment of competition in the provision of video services, and its conclusions regarding the transformation of media over the past quarter-century, confirm that such media are “major media” free from the cross-ownership restriction.¹⁰²

The Commission has found, on the basis of an extensive record, that prohibiting common ownership of broadcast stations and newspapers in the largest markets unnecessarily restricts speech and specifically is likely to result in less local news and public affairs programming. The Third Circuit upheld the Commission’s reasoning in these respects.

⁹⁹ *Turner Broadcasting System, Inc. v. FCC*, 512 U.S. 622, 640-41 (1994).

¹⁰⁰ *Police Department of Chicago v. Mosley*, 408 U.S. 92, 99 (1972); see also *Minneapolis Star and Tribune Co. v. Minnesota Commissioner of Revenue*, 460 U.S. 575, 585, 592-93 (1983) (finding such differential regulation “presumptively unconstitutional” and that it “places a heavy burden on the [government] to justify its action”).

¹⁰¹ *FCC v. NCCB*, 436 U.S. 775 (1978).

¹⁰² See *Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming*, Eleventh Annual Report, FCC 05-13, MB Docket No. 04-227 (released Feb. 4, 2005); see also *2003 Order*, 18 FCC Rcd. at 13647-67.

Infringing Tribune's speech rights is particularly unjustified where Tribune media properties' market shares have declined during the period of common ownership, the Commission already has concluded that the risks to diversity are virtually non-existent, and application of the Rule would silence Tribune as a speaker in either radio and television broadcasting or newspaper publishing in Chicago.¹⁰³ To the extent that the Rule is overbroad or overly restrictive in achieving its goal, prohibiting more speech than is necessary to achieve its goals, application of the Rule and the thirty-year old waiver policy unnecessarily inhibits speech. To continue to apply the rule to Tribune in these circumstances cannot be justified, and the Commission must grant Tribune a temporary waiver to permit common ownership of WGN-TV, WGN(AM) and the *Chicago Tribune* until its actions with respect to the *FNPRM* are final.

¹⁰³ See 2003 Order, 18 FCC Rcd. at 13804-06. That the Third Circuit has called into question the precise basis for the Commission's line-drawing does not alter this conclusion. The Commission's conclusions regarding the harm to speech interests caused by the Rule are untouched, as are its conclusions regarding the competing sources of information.

Appendix 1: Low Power Television Stations in the Chicago DMA

Station	City	State	Channel	Owner
W04CQ	Chesterton	IN	4	Aqua-Land Communications Inc.
W13BQ	Portage	IN	13	Studio 5 Inc.
WOCK-CA	Chicago	IL	13	KM Communications
WHNW-LP	Gary	IN	18	LeSea Broadcasting Corp.
WWME-CA	Chicago	IL	23	Weigel Broadcasting Co.
W24AJ	Aurora	IL	24	Nelson Multimedia Inc.
WHVI-LP	Valparaiso	IN	24	LeSea Broadcasting Corp.
WEDE-CA	Arlington Heights	IL	34	First United, Inc.
WSPY-LP	Plano	IL	39	WFXV-TV, Inc.
W40BY	Palatine	IL	40	Trinity Broadcasting Network
WOCH-CA	Chicago	IL	41	KM Communications
WFBT-CA	Blue Island	IL	48	Weigel Broadcasting Co.
W54BE	Sugar Grove	IL	54	Waubonsee Community College
WHCH-LP	Chesterton	IN	54	LeSea Broadcasting Corp.
W57DN	Elgin	IL	57	Trinity Broadcasting Network
W64CQ	Arlington Heights	IL	64	Trinity Broadcasting Network
W69EA*	Hammond	IN	69	Michael S. and Eileen J. Ice
Sources: Federal Communications Commission (www.fcc.gov), BIA Financial Network, and Warren Television and Cable Factbook: Online (warren.365media.com) Current as of April 25, 2007				
* Off the air; construction permit applied for				

Appendix 2: Newspapers in the Chicago DMA

Newspaper	Daily/Weekly	Owner
Algonquin Countryside	Weekly	Pioneer Press Newspapers
Alsip Express	Weekly	Southwest Messenger Press Inc.
Antioch Journal	Weekly	Shaw Newspapers
Arlington Heights Post	Weekly	Pioneer Press Newspapers
Barrington Courier-Review	Weekly	Pioneer Press Newspapers
Bartlett Examiner, The	Weekly	Examiner Publications, Inc.
Batavia Republican	Weekly	Liberty Suburban Chicago Newspapers
Beacon-News, The	Daily	Sun-Times Media Group
Bensenville Press	Weekly	GateHouse Media Inc.
Benson County Farmers Press	Weekly	Peterson, Richard
Beverly Review	Weekly	TR Communications
Bloomington Press	Weekly	GateHouse Media Inc.
Bolingbrook Metropolitan	Weekly	GateHouse Media Inc.
Bolingbrook Sun, The	Weekly	Sun Publications (IL)
Booster, The	Weekly	Sun-Times Media Group
Braidwood Journal	Weekly	GW Communication Inc.
Bridgeview Independent	Weekly	Southwest Messenger Press Inc.
Brook Reporter	Weekly	Community Media Group
Buffalo Grove Countryside	Weekly	Pioneer Press Newspapers
Bugle, The	Weekly	Masterson, Richard
Calumet Press	Weekly	Dedelow, Jim
Carol Stream Examiner, The	Weekly	Examiner Publications, Inc.
Carol Stream Press	Weekly	Liberty Suburban Chicago Newspapers
Cary-Grove Countryside	Weekly	Pioneer Press Newspapers
Cedar Lake Journal	Weekly	Pilcher Publishing Co., Inc.
Chesterton Tribune	Daily	Canright, Warren H
Chicago Independent Bulletin	Weekly	Green, Hurley Sr.
Chicago Ridge Citizen	Weekly	Southwest Messenger Press Inc.
Chicago Suburban Daily Herald	Daily	Paddock Publications Inc.
Chicago Sun-Times/Sunday Sun-Times	Daily	Sun-Times Media Group
Chicago Tribune	Daily	Tribune Co.
Chicago's Northwest Side Press	Weekly	Nadig, Glen
Clarendon Hills-DuPage Progress, The	Weekly	GateHouse Media Inc.
Coal City Courant, The	Weekly	Free Press Newspapers
Countryside Life	Weekly	GateHouse Media Inc.
Courier, The	Weekly	Community Media Group
Courier-News, The	Daily	Sun-Times Media Group
Crain's Chicago Business	Weekly	Crains, Rance

Newspaper	Daily/Weekly	Owner
Crown Point Star	Weekly	Post Tribune
Daily Chronicle, The	Daily	Pulitzer Newspapers Inc.
Daily Journal, The/Sunday Journal	Daily	Small Newspaper Group, The
Daily Southtown	Daily	Sun-Times Media Group
Daily Times, The	Daily	Small Newspaper Group, The
Darien Suburban Life	Weekly	GateHouse Media Inc.
Deerfield Review	Weekly	Pioneer Press Newspapers
DeKalb County News	Weekly	Shaw Newspapers
Des Plaines Times	Weekly	Sun-Times Media Group
Des Plaines Valley News	Weekly	Noonan, MaryJo
Doings, The	Weekly	Sun-Times Media Group
Downers Grove Reporter, The	Weekly	Liberty Suburban Chicago Newspapers
Downer's Grove Sun, The	Weekly	Sun Publications (IL)
Edgebrook Times Review	Weekly	Sun-Times Media Group
Edison-Norwood Times Review	Weekly	Sun-Times Media Group
Elburn Herald, The	Weekly	Kaneland Publications
Elk Grove Times	Weekly	Pioneer Press Newspapers
Elm Leaves	Weekly	Pioneer Press Newspapers
Elmhurst Press	Weekly	Liberty Suburban Chicago Newspapers
Elmwood Park/River Grove Messenger	Weekly	Sun-Times Media Group
Enterprise, The	Weekly	Perry Co. Inc.
Evanston Review	Weekly	Pioneer Press Newspapers
Evergreen Park Courier	Weekly	Southwest Messenger Press Inc.
Extra Community Newspaper	Weekly	Clifftow Corporation
Extra Newspaper	Weekly	Tellez, Mila
Farmers Weekly Review	Weekly	Cleary, Michael
Forest Leaves	Weekly	Pioneer Press Newspapers
Forest Park Review	Weekly	Wednesday Journal Inc.
Fox Lake Journal	Weekly	Shaw Newspapers
Fox Valley Shopping News	Weekly	Chicago Suburban Newspapers
Fox Valley Villages	Weekly	Sun Publications (IL)
Franklin Park Herald-Journal	Weekly	Pioneer Press Newspapers
Free Press Advocate, The	Weekly	Free Press Newspapers
Geneva Republican	Weekly	Liberty Suburban Chicago Newspapers
Glen Ellyn News, The	Weekly	Liberty Suburban Chicago Newspapers
Glencoe News	Weekly	Pioneer Press Newspapers
Glendale Heights Press	Weekly	GateHouse Media Inc.
Glenview Announcements	Weekly	Pioneer Press Newspapers
Grayslake Journal	Weekly	Shaw Newspapers
Grayslake Review, The	Weekly	Pioneer Press Newspapers
Greek Press	Weekly	National Greek Press

Newspaper	Daily/Weekly	Owner
Gurnee Journal	Weekly	Shaw Newspapers
Gurnee Review	Weekly	Pioneer Press Newspapers
Hampshire Journal	Weekly	Shaw Newspapers
Hanover Park Examiner, The	Weekly	Examiner Publications, Inc.
Herald, The	Weekly	Sagan, Bruce
Herald/Country Market, The	Weekly	Olszewski, Toby
Herald-News, The	Daily	Sun-Times Media Group
Hickory Hills Citizen	Weekly	Southwest Messenger Press Inc.
Highland Park News	Weekly	Pioneer Press Newspapers
Hillsdale Daily News	Daily	Morris Communications Co
Hoffman Estates Review	Weekly	Sun-Times Media Group
Homer/Lockport/Lemont Sun, The	Weekly	Sun Publications (IL)
Huntley Farmside	Weekly	GateHouse Media Inc.
Inside Publications	Weekly	Renigik, Ron
Itasca Press	Weekly	GateHouse Media Inc.
Jefferson Park/Portage Park/Bel-Cragin Tim	Weekly	Sun-Times Media Group
Journal	Weekly	Nadig, Glen
Kane County Chronicle	Daily	Shaw Newspapers
Kankakee Valley Post-News	Weekly	Community Media Group
Kendall County Record	Weekly	Farren, Jeff & Kathy
La Porte Herald-Argus, The	Daily	Small Newspaper Group, The
La Raza	Weekly	ImpreMedia LLC
Lake Booster	Weekly	Sun-Times Media Group
Lake County Star	Weekly	Buell, Allison
Lake Forester	Weekly	Pioneer Press Newspapers
Lake Villa Journal	Weekly	Shaw Newspapers
Lake Zurich Courier	Weekly	Pioneer Press Newspapers
Ledger-Sentinel	Weekly	Farren, Jeff & Kathy
Lemont Reporter/Met	Weekly	GateHouse Media Inc.
Lerner News Star	Weekly	Sun-Times Media Group
Libertyville Journal	Weekly	Shaw Newspapers
Libertyville Review	Weekly	Pioneer Press Newspapers
Lincoln Way Sun, The	Weekly	Sun Publications (IL)
Lincolnite News Star	Weekly	Sun-Times Media Group
Lincolnwood Life	Weekly	Sun-Times Media Group
Lincolnwood Review	Weekly	Pioneer Press Newspapers
Lindenhurst Journal	Weekly	Shaw Newspapers
Lisle Reporter, The	Weekly	Liberty Suburban Chicago Newspapers
Lisle Sun, The	Weekly	Sun Publications (IL)
Lombard Spectator, The	Weekly	Liberty Suburban Chicago Newspapers
Lombardian	Weekly	Mackay, Bonnie
Lowell Tribune	Weekly	Pilcher Publishing Co., Inc.

Newspaper	Daily/Weekly	Owner
Manhattan American	Weekly	Russell Publications
Manteno News	Weekly	Russell Publications
Maywood Herald	Weekly	Pioneer Press Newspapers
Melrose Park Herald	Weekly	Pioneer Press Newspapers
Mendota Reporter, The	Weekly	News Media Corporation
Metro Extra	Weekly	Tellez, Mila
Midlothian-Bremen Messenger	Weekly	Southwest Messenger Press Inc.
MidWeek, The	Weekly	Pulitzer Newspapers Inc.
Momence Progress-Reporter, The	Weekly	Lincoln, Jan
Monee Monitor	Weekly	Russell Publications
Morris Daily Herald	Daily	Shaw Newspapers
Morton Grove Champion	Weekly	Pioneer Press Newspapers
Morton Grove/Niles Life	Weekly	Sun-Times Media Group
Mount Greenwood Express	Weekly	Southwest Messenger Press Inc.
Mount Prospect Times	Weekly	Pioneer Press Newspapers
Mundelein Journal	Weekly	Shaw Newspapers
Mundelein Review	Weekly	Sun-Times Media Group
Naperville Reporter	Weekly	GateHouse Media Inc.
Naperville Sun	Daily	Sun Publications (IL)
News Dispatch, The	Daily	Paxton Media Group LLC
News-Sun, The	Daily	Sun-Times Media Group
News-Tribune	Daily	Miller, Peter III
Newton County Enterprise	Weekly	Community Media Group
Night Lines	Weekly	Lambda Publications
Niles Herald-Spectator	Weekly	Pioneer Press Newspapers
Norridge-Harwood Heights News	Weekly	Pioneer Press Newspapers
Northbrook Star	Weekly	Sun-Times Media Group
Northlake Herald Journal	Weekly	Pioneer Press Newspapers
Northwest Herald, The	Daily	Shaw Newspapers
Oak Lawn Independent	Weekly	Southwest Messenger Press Inc.
Oak Leaves	Weekly	Pioneer Press Newspapers
Oakbrook Terrace Press	Weekly	GateHouse Media Inc.
Outlines	Weekly	Lambda Publications
Palatine Countryside	Weekly	Pioneer Press Newspapers
Palos Citizen	Weekly	Southwest Messenger Press Inc.
Park Ridge Advocate	Weekly	Sun-Times Media Group
Peotone Vedette	Weekly	Russell Publications
Plainfield Sun, The	Weekly	Sun Publications (IL)
Plano Record	Weekly	Ferren, Kathy
Post-Tribune	Daily	Sun-Times Media Group
Regional News	Weekly	Paw Prints Publishing
Regional News, The	Weekly	Regional Publishing Corp.

Newspaper	Daily/Weekly	Owner
Remington Press	Weekly	Community Media Group
Rensselaer Republican, The	Daily	Community Media Group
Reporter, The	Weekly	Nadig, Glen
Reporter, The	Weekly	Regional Publishing Corp.
Review of Lake Villa/Lindenhurst	Weekly	Sun-Times Media Group
River Grove Messenger	Weekly	Pioneer Group
Rolling Meadows Review	Weekly	Sun-Times Media Group
Romeoville Metropolitan	Weekly	GateHouse Media Inc.
Roselle/ Itasca Press	Weekly	Liberty Suburban Chicago Newspapers
Round Lake Journal	Weekly	Shaw Newspapers
Schaumburg Review	Weekly	Pioneer Press Newspapers
Scottsdale-Ashburn Independent	Weekly	Southwest Messenger Press Inc.
Skokie Life, The	Weekly	Sun-Times Media Group
Skokie Review	Weekly	Pioneer Press Newspapers
Southside Extra	Weekly	Tellez, Mila
Southwest News-Herald	Weekly	Vondrak, James
St Anne Record	Weekly	Goreham, Wilfred
St Charles Republican	Weekly	Liberty Suburban Chicago Newspapers
Sycamore Journal	Weekly	Shaw Newspapers
Times, The	Daily	Lee Enterprises
Tinley Park Star	Weekly	Sun-Times Media Group
Tonica News	Weekly	Arnold, Elin
Town and Country, The	Weekly	Grey, Steve
Tri-Cities Sun, The	Weekly	Sun Publications (IL)
Vernon Hills Review	Weekly	Pioneer Press Newspapers
Villa Park Argus, The	Weekly	Liberty Suburban Chicago Newspapers
Villa Park Review	Weekly	Mackay, Bonnie
Wadsworth Journal	Weekly	Shaw Newspapers
Warrenville Free Press	Weekly	GateHouse Media Inc.
Wauconda Journal	Weekly	Shaw Newspapers
Waukegan Journal	Weekly	Shaw Newspapers
Wednesday Journal of Oak Park/River Forest	Weekly	Wednesday Journal Inc.
West Chicago Press, The	Weekly	GateHouse Media Inc.
West Proviso Herald	Weekly	Sun-Times Media Group
Westchester Herald	Weekly	Pioneer Press Newspapers
Westchester Suburban Life	Weekly	Liberty Suburban Chicago Newspapers
Westmont Progress, The	Weekly	Liberty Suburban Chicago Newspapers
Westville Indicator	Weekly	Paw Prints Publishing
Wheaton Leader, The	Weekly	Liberty Suburban Chicago Newspapers
Wheaton Press	Weekly	GateHouse Media Inc.
Wheaton/Glen Ellyn Sun, The	Weekly	Sun Publications (IL)

Newspaper	Daily/Weekly	Owner
Wheeling Countryside	Weekly	Sun-Times Media Group
Willowbrook-DuPage Progress	Weekly	GateHouse Media Inc.
Wilmette Life	Weekly	Pioneer Press Newspapers
Winfield Press, The	Weekly	Liberty Suburban Chicago Newspapers
Winnetka Talk	Weekly	Pioneer Press Newspapers
Wood Dale Press	Weekly	GateHouse Media Inc.
Woodridge Progress	Weekly	Liberty Suburban Chicago Newspapers
Woodstock Independent	Weekly	Wormley, Sheryl
Worth Citizen	Weekly	Southwest Messenger Press Inc.
Zion Benton News	Weekly	United Communications Corp.
Source: BIA Financial Network Current as of April 30, 2007		

Appendix 3: AM and FM Radio Stations in the Chicago DMA

Call sign	AM/FM	Community of License	Owner	Format
WAES	FM	Lincolnshire, IL	Adlai E. Stevenson H.S. Dist. 125	Variety
WAIT	AM	Willow Springs, IL	NewsWeb Radio Company	Religion
WAJK	FM	La Salle, IL	Peter Miller III	Hot AC
WAKE	AM	Valparaiso, IN	Porter County Broadcasting	Adlt Stndrd
WALS	FM	Oglesby, IL	Laco Radio, Inc..	Country
WARG	FM	Summit, IL	Community High School Dist. 217	Alternative
WAUR	FM	Sandwich, IL	Starboard Media Foundation Inc.	Chrst/Talk
WAWF	FM	Kankakee, IL	Family Worship Center Church Inc.	Relig Music
WBBM	AM	Chicago, IL	CBS Radio	News
WBBM	FM	Chicago, IL	CBS Radio	CHR
WBEQ	FM	Morris, IL	WBEZ Alliance Inc.	Nws/Tlk/Inf
WBEW	FM	Chesterton, IN	WBEZ Alliance Inc.	Nws/Tlk/Inf
WBEZ	FM	Chicago, IL	WBEZ Alliance Inc.	Nws/Tlk/Inf
WBGX	AM	Harvey, IL	Great Lakes Radio - Chicago LLC	Gospel
WBIG	AM	Aurora, IL	McNaughton-Jackle Stations	Nws/Tlk/Spt
WBMF	FM	Crete, IL	Family Worship Center Church Inc.	Christian
WBZG	FM	Peru, IL	Mendota Broadcasting Inc.	Rock
WCCQ	FM	Crest Hill, IL	NextMedia Group Inc.	Country
WCEV	AM	Cicero, IL	Migala Communications Corp.	Ethnic
WCFJ	AM	Chicago Heights, IL	NewsWeb Radio Company	Ethnc/Varty
WCFL	FM	Morris, IL	Illinois Bible Institute	ChrsContemp
WCGO	AM	Chicago Heights, IL	Kovas Communications	Nostalgia
WCKG	FM	Elmwood Park, IL	CBS Radio	Talk
WCLR	FM	Arlington Heights, IL	Educational Media Foundation	ChrsContemp
WCMY	AM	Ottawa, IL	NRG Media LLC	AC/Nws/Tlk
WCOE	FM	La Porte, IN	La Porte County Broadcasting	Country
WCPT	AM	Crystal Lake, IL	NewsWeb Radio Company	Talk
WCRX	FM	Chicago, IL	Columbia College	CHR/Rhymc
WCSF	FM	Joliet, IL	College of St. Francis	Rock/Altve
WCSJ	AM	Morris, IL	Nelson Multimedia Inc.	AdStd/News
WCSJ	FM	Morris, IL	Nelson Multimedia Inc.	AdStd/News

Call sign	AM/FM	Community of License	Owner	Format
WDCB	FM	Glen Ellyn, IL	College Of Du Page	Jazz/News
WDEK	FM	De Kalb, IL	NewsWeb Radio Company	Adult Hits
WDGC	FM	Downers Grove, IL	Du Page City, IL School District #99	Variety
WDKB	FM	De Kalb, IL	DeKalb County Radio	AC
WDRV	FM	Chicago, IL	Bonneville International Corp.	Rock
WDSO	FM	Chesterton, IN	Duneland School Corp.	Variety
WEFF	AM	Highland Park, IL	Polnet Communications Ltd.	Ethnic
WEFM	FM	Michigan City, IN	Michigan City FM Broadcasters	Adult CHR
WEPS	FM	Elgin, IL	IL School Dist U-46	Educa/NPR
WERV	FM	Aurora, IL	NextMedia Group Inc.	Clsc Hits
WETN	FM	Wheaton, IL	Wheaton College	ChrsContemp
WFMT	FM	Chicago, IL	Window to the World Communications Inc.	Classical
WGBK	FM	Glenview, IL	Glenbrook High School District	Educational
WGCI	FM	Chicago, IL	Clear Channel	Urban
WGLC	FM	Mendota, IL	Mendota Broadcasting Inc.	Country
WGN	AM	Chicago, IL	Tribune Co.	Nws/Tlk/Spt
WGRB	AM	Chicago, IL	Clear Channel	Black Gospl
WGVE	FM	Gary, IN	Gary Community School Corp	Variety
WHCM	FM	Palatine, IL	William Rainey Harper College	Variety
WHFH	FM	Flossmoor, IL	Community High School District No. 233	AOR
WHLP	FM	Hanna, IN	CSN International	Christian
WHPK	FM	Chicago, IL	University of Chicago	Variety
WHSD	FM	Hinsdale, IL	Hinsdale Twp..	Variety
WIIT	FM	Chicago, IL	Illinois Institute of Technology	Variety
WILV	FM	Chicago, IL	Bonneville International Corp.	AC/Urb/Old
WIMS	AM	Michigan City, IN	Gerard Media LLC	Old/Tlk/Spt
WIND	AM	Chicago, IL	Salem Communications Corporation	News/Talk
WIVR	FM	Kentland, IN	Gene Milner Broadcasting Company	Country
WJCH	FM	Joliet, IL	Family Stations Inc.	Religion
WJDK	FM	Seneca, IL	Nelson Multimedia Inc.	AC
WJGG	AM	Elmhurst, IL	Joseph J Gentile Inc.	Talk

Call sign	AM/FM	Community of License	Owner	Format
WJKL	FM	Elgin, IL	Educational Media Foundation	ChrsContemp
WJMK	FM	Chicago, IL	CBS Radio	Jack
WJOB	AM	Hammond, IN	Vazquez Development LLC	Old/Tlk/Spt
WJOL	AM	Joliet, IL	NextMedia Group Inc.	Nws/Tlk/Spt
WKAN	AM	Kankakee, IL	STARadio Corp.	Talk
WKCC	FM	Kankakee, IL	Kankakee Community College	Information
WKIE	FM	Arlington Heights, IL	NewsWeb Radio Company	Adult Hits
WKIF	FM	Kankakee, IL	NewsWeb Radio Company	News
WKKC	FM	Chicago, IL	Community College District #508	Edu/R&B/Gsp
WKKD	AM	Aurora, IL	Kovas Communications	Ethnic
WKOT	FM	Marseilles, IL	Peter Miller III	Clsc Hits
WKQX	FM	Chicago, IL	Emmis Communications	Alternative
WKRS	AM	Waukegan, IL	NextMedia Group Inc.	News/Talk
WKSC	FM	Chicago, IL	Clear Channel	CHR
WKTA	AM	Evanston, IL	Polnet Communications Ltd.	Diverse
WLBK	AM	De Kalb, IL	WPW Broadcasting Inc.	News/Talk
WLEY	FM	Aurora, IL	Spanish Broadcasting System	Mexican
WLIT	FM	Chicago, IL	Clear Channel	AC
WLJE	FM	Valparaiso, IN	Porter County Broadcasting	Country
WLOI	AM	La Porte, IN	La Porte County Broadcasting	Nostalgia
WLPO	AM	La Salle, IL	Peter Miller III	Nws/Tlk/Spt
WLQI	FM	Rensselaer, IN	Brothers Broadcasting Corp	Clsc Hits
WLRA	FM	Lockport, IL	Lewis University	Variety
WLS	AM	Chicago, IL	Citadel/ABC	News/Talk
WLTH	AM	Gary, IN	Marshall Media Group Inc.	Talk/RhyBl
WLTL	FM	La Grange, IL	Lyons Township High School	Variety
WLUP	FM	Chicago, IL	Emmis Communications	Clsc Rock
WLUW	FM	Chicago, IL	Loyola University of Chicago	Variety
WMBI	AM	Chicago, IL	Moody Bible Institute of Chicago Inc.	Religion
WMBI	FM	Chicago, IL	Moody Bible Institute of Chicago Inc.	Religion
WMCW	AM	Harvard, IL	Kovas Communications	Adlt Stndrd

Call sign	AM/FM	Community of License	Owner	Format
WMKB	FM	Earlville, IL	KM Communications Inc.	Clsc Rock
WMTH	FM	Park Ridge, IL	Maine Township #207	Eclectic
WMVP	AM	Chicago, IL	ABC/Disney	Sports
WMXM	FM	Lake Forest, IL	Lake Forest College	Variety
WNDZ	AM	Portage, IN	NewsWeb Radio Company	Variety
WNIJ	FM	De Kalb, IL	Northern Illinois University	Classical
WNIW	FM	La Salle, IL	Northern Illinois University	NPR/ClscI
WNTD	AM	Chicago, IL	Multicultural Radio Broadcasting Inc.	Spanish AC
WNTH	FM	Winnetka, IL	Twp. High School District #203	Variety
WNUA	FM	Chicago, IL	Clear Channel	Smooth Jazz
WNUR	FM	Evanston, IL	Northwestern University	Variety
WNVN	AM	Vernon Hills, IL	Polnet Communications Ltd	Polish
WNWI	AM	Oak Lawn, IL	Birach Broadcasting Corporation	Intl/Talk
WOJO	FM	Evanston, IL	Univision	Mexican
WONC	FM	Naperville, IL	North Central College	AOR
WONU	FM	Kankakee, IL	Olivet Nazarene University	ChrsContemp
WONX	AM	Evanston, IL	Kovas Communications	Ethnic
WOTW	FM	Monee, IL	Life On The Way Communications Inc.	DARK
WPJX	AM	Zion, IL	Polnet Communications Ltd.	Oldies
WPNA	AM	Oak Park, IL	Polish National Alliance	Polish
WPPN	FM	Des Plaines, IL	Univision	Spanish AC
WPUM	FM	Rensselaer, IN	St Joseph's College	CHR
WPWX	FM	Hammond, IN	Crawford Broadcasting Company	Urban
WRDZ	AM	La Grange, IL	ABC/Disney	Children
WRIN	AM	Rensselaer, IN	Brothers Broadcasting Corp	Adlt Stndrd
WRKX	FM	Ottawa, IL	NRG Media LLC	Hot AC
WRLI	AM	Cicero, IL	Midway Broadcasting	Information
WRMN	AM	Elgin, IL	Elgin Broadcasting Co.	News/Talk
WRRG	FM	River Grove, IL	Triton College	Alternative
WRSE	FM	Elmhurst, IL	Elmhurst College	Talk/Bob
WRTE	FM	Chicago, IL	Mexican Fine Arts Center Museum	Variety
WRTO	AM	Chicago, IL	Univision	Spn/Tlk/Nws
WRXQ	FM	Coal City, IL	NextMedia Group Inc.	Clsc Rock

Call sign	AM/FM	Community of License	Owner	Format
WRZA	FM	Park Forest, IL	NewsWeb Radio Company	Adult Hits
WSBC	AM	Chicago, IL	NewsWeb Radio Company	Ethnc/Varty
WSCR	AM	Chicago, IL	CBS Radio	Sprts/Talk
WSPL	AM	Streator, IL	Mendota Broadcasting Inc.	Nws/Tlk/Spt
WSPY	AM	Geneva, IL	Nelson Multimedia Inc.	Oldes/FuSvc
WSPY	FM	Plano, IL	Nelson Multimedia Inc.	AC
WSQR	AM	Sycamore, IL	Nelson Multimedia Inc.	Nws/Tlk/Old
WSRB	FM	Lansing, IL	Crawford Broadcasting Company	Urban AC
WSRI	FM	Sugar Grove, IL	Educational Media Foundation	ChrsContemp
WSSD	FM	Chicago, IL	Lakeside Telecommunications Inc.	Gospl/Blgrs
WSSR	FM	Joliet, IL	NextMedia Group Inc.	AC
WSTQ	FM	Streator, IL	Mendota Broadcasting Inc.	Top 40
WTMK	FM	Lowell, IN	CSN International	ChrsContemp
WTMX	FM	Skokie, IL	Bonneville International Corp	AC
WUSN	FM	Chicago, IL	CBS Radio	Country
WVAZ	FM	Oak Park, IL	Clear Channel	Urban AC
WVIV	FM	Highland Park, IL	Univision	SpnAC/Regat
WVIX	FM	Joliet, IL	Univision	SpnAC/Regat
WVLI	FM	Kankakee, IL	Milner Broadcasting Company	Oldies
WVON	AM	Berwyn, IL	Clear Channel	Talk
WVUR	FM	Valparaiso, IN	Valparaiso University	Diverse
WWCA	AM	Gary, IN	Starboard Media Foundation Inc.	Chrst/Talk
WWDV	FM	Zion, IL	Bonneville International Corp.	Rock
WWGN	FM	Ottawa, IL	Family Worship Center Church Inc.	Christian
WWHN	AM	Joliet, IL	Hawkins Broadcasing Co.	Black Gospl
WWLO	FM	Lowell, IN	American Family Association Inc.	Christian
WWYW	FM	Dundee, IL	NextMedia Group Inc.	Oldies
WXAV	FM	Chicago, IL	St Xavier University	Variety
WXLG	FM	Waukegan, IL	NextMedia Group Inc.	Hot AC
WXNU	FM	St. Anne, IL	STARadio Corp.	Country
WXRD	FM	Crown Point, IN	Porter County Broadcasting	Clsc Rock
WXRT	FM	Chicago, IL	CBS Radio	AAA
WYCA	FM	Crete, IL	Crawford Broadcasting Company	Gospel

Call sign	AM/FM	Community of License	Owner	Format
WYKT	FM	Wilmington, IL	STARadio Corp.	Oldies
WYLL	AM	Chicago, IL	Salem Communications Corporation	Chrst/Talk
WYRB	FM	Genoa, IL	Crawford Broadcasting Company	Urban AC
WYYS	FM	Streator, IL	Mendota Broadcasting Inc.	Oldies
WZRD	FM	Chicago, IL	Northeastern Illinois University	Variety
WZSR	FM	Woodstock, IL	NextMedia Group Inc.	AC
WZVN	FM	Lowell, IN	Porter County Broadcasting	AC
WZZN	FM	Chicago, IL	Citadel/ABC	Oldies
Sources: BIA Financial Network, Federal Communications Commission (www.fcc.gov) Current as of April 25, 2007				

Appendix 4: Satellite Radio Stations in the Chicago DMA

XM Satellite Radio			Sirius Satellite Radio		
Channel Number	Channel Name	Description	Channel Number	Channel Name	Description
Ch. 4	The 40s	Big Band/Swing/40s Hits	Ch. 1	SIRIUS Hits 1	Top 40 Hits
Ch. 5	The 50s	50s Hits	Ch. 2	StarLite	Lite Pop
Ch. 6	The 60s	60s Hits	Ch. 3	SIRIUS Love	Love Songs
Ch. 7	The 70s	70s Hits	Ch. 4	Movin' Easy	Easy Listening
Ch. 8	The 80s	80s Hits	Ch. 5	SIRIUS Gold	The '50s
Ch. 9	The 90s	90s Hits	Ch. 6	'60s Vibrations	The '60s
Ch. 10	America	Classic Country	Ch. 7	Totally '70s	The '70s
Ch. 11	Nashville, Regional News and Talk	90s & Today Country	Ch. 8	Big '80s	The '80s
Ch. 12	X Country	Americana	Ch. 9	The Pulse	The '90s & Now
Ch. 13	Willie's Place	Traditional Country	Ch. 10	The Bridge	Mellow Rock
Ch. 14	Bluegrass Junction	Bluegrass	Ch. 11	BBC Radio 1	New Music from the U.K.
Ch. 15	The Village	Folk	Ch. 12	Super Shuffle	SIRIUS Super Mix
Ch. 16	Highway 16	New Country Hits	Ch. 13	Elvis Radio	All Elvis Presley
Ch. 17	US Country	Superstar Country Hits of 80's and 90's	Ch. 14	Classic Vinyl	Early Classic Rock
Ch. 20	Top 20 on 20	Top 20 Hits	Ch. 15	Classic Rewind	Later Classic Rock
Ch. 21	KISS	Contemporary Hits	Ch. 16	The Vault	Deeper Classic Rock
Ch. 22	Mix	Modern Adult Hits	Ch. 17	Jam_ON	Jam Bands
Ch. 23	The Heart	All Love Songs 24/7	Ch. 18	The Spectrum	Adult Album Rock
Ch. 24	Sunny	Soft Pop Oldies	Ch. 19	Buzzsaw	Classic Hard Rock
Ch. 26	Flight 26	Modern Hits 90s & Now	Ch. 20	Octane	Pure Hard Rock
Ch. 27	Cinemagic	Movie Soundtracks	Ch. 21	Alt Nation	Alternative Rock

XM Satellite Radio			Sirius Satellite Radio		
Channel Number	Channel Name	Description	Channel Number	Channel Name	Description
Ch. 28	On Broadway	Show Tunes	Ch. 22	First Wave	Classic Alternative
Ch. 29	U-Pop	Global Chart Hits	Ch. 23	Hair Nation	80s Hair Bands
Ch. 30	XM HitList	Today's Hits	Ch. 24	Lithium	90s Alternative
Ch. 32	The Message	Christian Pop & Rock	Ch. 25	Underground Garage	Garage Rock
Ch. 33	Spirit	Gospel	Ch. 26	Left of Center	New/College/Indie Rock
Ch. 34	enLighten	Southern Gospel	Ch. 27	Hard Attack	Heavy Metal
Ch. 40	Deep Tracks	Deep Album Rock	Ch. 28	Faction	Punk, Hip-Hop, Hard Rock Mix
Ch. 41	Boneyard	Hard Rock/Hairbands – XL	Ch. 29	Punk	Punk Rock
Ch. 42	Liquid Metal	Heavy Metal – XL	Ch. 30	The Coffee House	Singer-Songwriters and Acoustic
Ch. 43	XMU	Indie/College Rock	Ch. 31	Radio Margaritaville	Escape to Margaritaville
Ch. 44	Fred	Classic Alternative	Ch. 32	Reggae Rhythms	Reggae
Ch. 45	XM Café	Soft Alternative	Ch. 33	Area 33	Trance & Progressive House
Ch. 46	Top Tracks	Classic Rock	Ch. 34	Boombox	Breakbeats/Old Skool
Ch. 47	Ethel	Modern Rock	Ch. 35	Chill	Smooth Electronic
Ch. 48	Squizz	Hard Alternative – XL	Ch. 36	The Beat	Dance Hits
Ch. 49	Big Tracks	Later Classic Rock	Ch. 37	The Strobe	Disco/Classic Dance
Ch. 50	The Loft	Acoustic Rock	Ch. 40	Hip-Hop Nation	Non-stop Hip-Hop 24/7
Ch. 52	The Verge	New/Emerging Artists	Ch. 43	BackSpin	Old Skool Rap
Ch. 53	Fungus	Punk/Hardcore/Ska – XL	Ch. 45	Shade 45	Shady's Uncut Hip-Hop
Ch. 54	Lucy	Modern Rock Hits	Ch. 50	Hot Jamz	Hip-Hop and R&B Hits

XM Satellite Radio			Sirius Satellite Radio		
Channel Number	Channel Name	Description	Channel Number	Channel Name	Description
Ch. 60	Soul Street	Classic Soul	Ch. 51	Heart & Soul	R&B Hits
Ch. 62	Suite 62	Adult R&B Hits	Ch. 53	Soul Town	Hip-Hop/R&B
Ch. 64	The Groove	Old Skool R&B	Ch. 60	New Country	Today's Country Hits
Ch. 65	The Rhyme	Snoop Dogg's Classic Hip/Hop/Rap – XL	Ch. 61	Prime Country	'80s & '90s Country Hits
Ch. 66	RAW	New Uncut Hip-Hop – XL	Ch. 62	The Roadhouse	Classic Country
Ch. 67	The City	Urban Contemporary	Ch. 63	Outlaw Country	Outlaw country
Ch. 68	The Heat	Rhythmic Top 40	Ch. 65	Bluegrass	Bluegrass
Ch. 70	Real Jazz	Traditional Jazz	Ch. 66	Spirit	Christian Hits
Ch. 71	Watercolors	Smooth Jazz	Ch. 68	Praise	Gospel
Ch. 72	Beyond Jazz	Modern Jazz	Ch. 70	Planet Jazz	Contemporary Jazz
Ch. 73	High Standards	American Standards	Ch. 71	Jazz Café	Smooth Jazz
Ch. 74	Bluesville	Blues	Ch. 72	Pure Jazz	Classic Jazz
Ch. 75	Hear Music	The Voice of Music at Starbucks	Ch. 73	Spa 73	New Age
Ch. 76	Fine Tuning	Eclectic	Ch. 74	SIRIUS Blues	Blues
Ch. 77	Audio Visions	New Age	Ch. 75	Standard Time	Standards/ Swing
Ch. 78	Escape	Easy Listening	Ch. 77	Broadway's Best	Broadway Show Music
Ch. 80	The Move	Underground Dance	Ch. 80	Symphony Hall	Symphonic and Chamber Music
Ch. 81	BPM	Dance Hits	Ch. 85	Metropolitan Opera Radio	Opera
Ch. 82	The System	Electronica	Ch. 86	SIRIUS Pops	Classical Pops
Ch. 83	Chrome	Disco	Ch. 90	Universo Latino	Latin Pop Mix
Ch. 84	XM-Chill	Chill Music	Ch. 92	Rumbon	Reggaeton/Tropical
Ch. 90	Fuego	Reggaeton	Ch. 93	bande a part	New French-language Music

XM Satellite Radio			Sirius Satellite Radio		
Channel Number	Channel Name	Description	Channel Number	Channel Name	Description
Ch. 91	Viva	Latin Pop Hits	Ch. 94	CBC Radio 3	Canadian Indie Music
Ch. 92	Aguila	Regional Mexican	Ch. 95	Iceberg Radio	Canadian Adult Alternative
Ch. 94	Caliente	Tropical	Ch. 97	Reggae Rhythms	Reggae
Ch. 100	Air Musique	New & Emerging Music – Broadcast in French	Ch. 100	Howard 100	Howard Stern
Ch. 101	The Joint	Reggae	Ch. 101	Howard 101	Howard Stern
Ch. 102	Sur La Route	Pop Hits Broadcast in French	Ch. 102	SIRIUS Stars	The SIRIUS Difference
Ch. 110	XM Classics	Traditional Classical	Ch. 103	Blue Collar Comedy	All-American Comedy with universal appeal
Ch. 112	Vox	Opera/ Classical Vocals	Ch. 104	Raw Dog	Comedy Uncensored
Ch. 113	XM Pops	Popular Classical	Ch. 105	Laugh Break	Comedy
Ch. 115	Radio Disney	Radio Disney	Ch. 106	The Foxxhole	Comedy
Ch. 116	XM Kids	Children	Ch. 107	E! Entertainment Radio	E! Entertainment Radio
Ch. 120	XM Live	Concerts/ Festivals/ Special Features	Ch. 108	Maxim Radio	Maxim Radio
Ch. 121	FOX News	FOX News	Ch. 109	SIRIUS OutQ	America's GLBT Radio Station
Ch. 122	CNN	CNN News	Ch. 110	Court TV Radio	Court TV Radio
Ch. 123	CNN Headline News	CNN Headline News	Ch. 111	Cosmo Radio	Cosmo Radio
Ch. 124	ABC News & Talk	ABC News & Talk	Ch. 112	Martha Stewart Living Radio	How-to and homekeeping
Ch. 125	The Weather Channel	The Weather Channel	Ch. 114	LIME	Healthy living with a twist
Ch. 126	CNN en Español	CNN in Spanish	Ch. 115	Radio Disney	Radio Disney

XM Satellite Radio			Sirius Satellite Radio		
Channel Number	Channel Name	Description	Channel Number	Channel Name	Description
Ch. 127	CNBC	CNBC	Ch. 116	Kids Stuff	Kids
Ch. 129	Bloomberg Radio/Business	Bloomberg Radio/Business	Ch. 118	RadioClassics	Classic Radio Shows
Ch. 131	BBC World Service	BBC World Service	Ch. 119	Sports Play-by-Play 4	Play-by-Play
Ch. 132	C-SPAN Radio	C-SPAN Radio	Ch. 120	ESPN Radio	ESPN Radio
Ch. 133	XM Public Radio	XM Public Radio	Ch. 121	ESPNEWS	ESPN News
Ch. 140	ESPN Radio	Sports	Ch. 122	Sports Play-by-Play 1	Sports Talk and Play-by-Play
Ch. 141	ESPNEWS	The Definitive 24-hour Sports News Network	Ch. 123	SIRIUS Sports Action	Sports Talk and Play-by-Play
Ch. 142	FOX Sports Radio	Sports Talk	Ch. 124	SIRIUS NFL Radio	Nonstop NFL Talk
Ch. 143	XM Sports Guide	Sports	Ch. 125	Sports Play-by-Play 2	Play-by-Play
Ch. 144	XM Sports Nation	Sports	Ch. 126	Sports Play-by-Play 3	Play-by-Play
Ch. 145	IndyCar Series Racing	IndyCar Series Racing	Ch. 127	NBA Radio on SIRIUS	NBA Radio on SIRIUS
Ch. 146	PGA TOUR Network	Golf Talk	Ch. 128	SIRIUS NASCAR Radio	24/7/365 NASCAR
Ch. 147	XM Deportivo	Spanish Sports Talk	Ch. 129	CNBC	CNBC
Ch. 150	XM Comedy	Uncensored Comedy – XL	Ch. 130	Bloomberg Radio	Bloomberg Radio
Ch. 151	Laugh USA	Comedy	Ch. 131	Fox News Channel	Fair and Balanced News
Ch. 152	Extreme XM	Extreme Talk	Ch. 132	CNN	The Most Trusted Name in News
Ch. 153	Laugh Attack	Uncensored Comedy –XL	Ch. 133	CNN Headline News	CNN Headline News
Ch. 154	National Lampoon Comedy Radio	Comedy	Ch. 134	NPR Now	NPR Now
Ch. 155	Take Five	Women’s Talk & Lifestyle	Ch. 135	NPR Talk	NPR Talk
Ch. 156	Oprah & Friends	Oprah & Friends	Ch. 137	CBC Radio One	National/International News

XM Satellite Radio			Sirius Satellite Radio		
Channel Number	Channel Name	Description	Channel Number	Channel Name	Description
Ch. 161	WSIX	Nashville Country	Ch. 138	Premiere Plus	Canadian Current Affairs
Ch. 162	E! Entertainment Radio	Entertainment	Ch. 139	C-SPAN Radio	C-SPAN Radio
Ch. 163	Sonic Theater	Books & Drama	Ch. 140	World Radio Network	News Around the World
Ch. 164	Radio Classics	Old Time Radio	Ch. 141	BBC World Service News	BBC World Service News
Ch. 165	Talk Radio	Experts Talk	Ch. 143	ABC News & Talk	ABC News & Talk
Ch. 166	America Right	Conservative Talk	Ch. 144	SIRIUS Patriot	Conservative Values
Ch. 167	Air America Radio	Progressive Talk	Ch. 145	Fox News Talk Channel	FOX News Talk
Ch. 168	FOX News Talk	FOX News Talk	Ch. 146	SIRIUS Left	Liberal Talk
Ch. 169	The Power	African-American Talk	Ch. 147	Road Dog Trucking	Talk for Truckers
Ch. 170	FamilyTalk	Christian Talk	Ch. 151	Chicago/St. Louis	Traffic & Weather
Ch. 171	Open Road	Truckers' Channel	Ch. 159	The Catholic Channel	The Catholic Channel
Ch. 172	Sport Plus	Men's Lifestyle and Sports Talk - Broadcast in French	Ch. 160	EWTN Global Catholic Network	EWTN Radio Catholic Network
Ch. 173	WLW	News Talk	Ch. 161	Christian Talk	Christian Talk
Ch. 174	MLB Play by Play en Español	Play-by-Play MLB Action en Español	Ch. 181	ESPN Deportes	ESPN Deportes Radio
Ch. 175	MLB Home Plate	24/7 Major League Baseball Channel	Ch. 182	CNN En Español	CNN En Español
Ch. 176	MLB Play-by-Play	Play-by-Play MLB Action	Ch. 183	Radio Korea	Korean Language Radio
Ch. 177	MLB Play-by-Play	Play-by-Play MLB Action	Ch. 184	SIRIUS Weather & Emergency	SIRIUS Weather & Emergency

XM Satellite Radio			Sirius Satellite Radio		
Channel Number	Channel Name	Description	Channel Number	Channel Name	Description
Ch. 178	MLB Play-by-Play	Play-by-Play MLB Action	Ch. 185	Canada Weather	Canada Weather
Ch. 179	MLB Play-by-Play	Play-by-Play MLB Action	Ch. 187	Info Plus	All News Radio
Ch. 180	MLB Play-by-Play	Play-by-Play MLB Action	Ch. 188	RCI Plus	International Talk
Ch. 181	MLB Play-by-Play	Play-by-Play MLB Action	Ch. 192	Rock Velours	Canadian Soft Rock
Ch. 182	MLB Play-by-Play	Play-by-Play MLB Action	Ch. 193	Energie 2	Pop, Rock & Urban Music
Ch. 183	MLB Play-by-Play	Play-by-Play MLB Action	Ch. 198	Playboy Radio	Smart, sexy and sophisticated programming
Ch. 184	MLB Play-by-Play	Play-by-Play MLB Action			
Ch. 185	MLB Play-by-Play	Play-by-Play MLB Action			
Ch. 186	MLB Play-by-Play	Play-by-Play MLB Action			
Ch. 187	MLB Play-by-Play	Play-by-Play MLB Action			
Ch. 188	MLB Play-by-Play	Play-by-Play MLB Action			
Ch. 189	MLB Play-by-Play	Play-by-Play MLB Action			
Ch. 190	College Sports-ACC	ACC Sports			
Ch. 191	College Sports-ACC	ACC Sports			
Ch. 192	College Sports-ACC	ACC Sports			
Ch. 193	College Sports-PAC-10	PAC-10 Sports			
Ch. 194	College Sports-PAC-10	PAC-10 Sports			
Ch. 195	College Sports-PAC-10	PAC-10 Sports			
Ch. 196	College Sports-Big 10	Big Ten Sports			
Ch. 197	College Sports-Big 10	Big Ten Sports			
Ch. 198	College Sports-Big 10	Big Ten Sports			

XM Satellite Radio			Sirius Satellite Radio		
Channel Number	Channel Name	Description	Channel Number	Channel Name	Description
Ch. 199	College Sports-SEC	SEC Sports			
Ch. 200	College Sports-SEC	SEC Sports			
Ch. 201	College Sports-SEC	SEC Sports			
Ch. 202	The Virus	Opie & Anthony! – XL			
Ch. 203	College Sports-Big East	Big East Sports			
Ch. 204	Home Ice	NHL Talk and Play-by-Play			
Ch. 205	Home Ice	NHL Talk and Play-by-Play			
Ch. 206	Home Ice	NHL Talk and Play-by-Play			
Ch. 207	Home Ice	NHL Talk and Play-by-Play			
Ch. 208	Home Ice	NHL Talk and Play-by-Play			
Ch. 209	Home Ice	NHL Talk and Play-by-Play			
Ch. 217	Chicago, IL	Local Traffic and Weather			
Ch. 243	ReachMD	Channel for Healthcare Professionals			
Ch. 244	Canada 360	News & Information			
Ch. 245	Quoi de Neuf	News & Information in French			
Ch. 247	XM Emergency Alert 24/7	24/7 Emergency Information			
Sources: XM Radio, Sirius Satellite Radio Current as of April 20, 2007					